

Message

From: Crawford, Lydia [Crawford.Lydia@epa.gov]
Sent: 8/13/2020 7:20:47 PM
To: Meadows, Sarah [Meadows.Sarah@epa.gov]
Subject: bayer data for tomorrow

They want a breakdown of what data bayer has submitted as well. So data submitted for xtendimax, submitted for VGX, and then planned to be submitted for xtendimax, and planned submission for VGX.
Call in 10 min – maybe you can join on phoneline?

Lydia Crawford PhD

Biologist | Herbicide Branch | Registration Division
U.S. Environmental Protection Agency | Office of Pesticide Programs
(703) 347-0622 | Crawford.Lydia@epa.gov

Message

From: Schmid, Emily [Schmid.Emily@epa.gov]
Sent: 3/23/2020 11:37:38 AM
To: Meadows, Sarah [Meadows.Sarah@epa.gov]
Subject: FW: URL amendments for XtendiMax With VaporGrip Technology (EPA Reg. No. 524-617)_03/20/2020
Attachments: 1-EPA8570-1_20200320.pdf; 2-Cover letter_M1768_URLamendments_03202020.pdf; 3-ConfidentialAttachment_M1768_EquivProd_03202020.pdf; 4-TRR0000020_REG-2019-0478 Amendment 12.pdf; 4-TRR0000025_REG-2019-0478 Amendment 14.pdf; 4-TRR0000037_REG-2019-0478 Amendment 13.pdf; 4-TRR0000063_REG-2020-0021 Amendments 1-2 .pdf; 4-TRR0000075_REG-2020-0021 Amendment 4.pdf

Hi Sarah,

Weirdly, this didn't come through until Saturday. Anyway, I didn't send it to EFED since they copied Mark but it might be good for you to send it anyway, just for consistency. I'll leave it up to you.

Thanks!
Emily

From: Steven Callen <steven.callen@bayer.com>
Sent: Friday, March 20, 2020 1:22 PM
To: opptankmixrequests <opptankmixrequests@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>; James Nyangulu <james.nyangulu@bayer.com>; Thomas Orr <thomas.orr@bayer.com>; Tina Bhakta <tina.bhakta@bayer.com>
Subject: URL amendments for XtendiMax With VaporGrip Technology (EPA Reg. No. 524-617)_03/20/2020

Dear Emily,

Please find attached the 8570-1 form, cover letter, confidential attachment, and data reports (TRR0000020, TRR0000025, TRR0000037, TRR0000063, TRR0000075) notifying the EPA of amendments to be made to XtendiMax's URL. With this submission, Bayer intends to post the referenced products to www.xtendimaxapplicationrequirements.com.

Sincerely,
Steven

Steven T. Callen, Ph.D.
Regulatory Affairs Manager

//////////

Bayer U.S. – Crop Science
Monsanto Company
Global Chemistry & Seed Regulatory Affairs
700 Chesterfield Parkway West
Mail Zone: FF4B
Chesterfield, MO 63017, USA
Tel: +1 (636) 737-1133
Fax: +1 (636) 737-5390
Cell: +1 (314) 302-9391
E-mail: steven.callen@bayer.com
Web: <http://www.bayer.com>

/// Follow Bayer on:
/// [Twitter](#) /// [Facebook](#) /// [Instagram](#) /// [LinkedIn](#) /// [YouTube](#)

/// Follow me on:

/// Twitter /// LinkedIn

Message

From: Steven Callen [steven.callen@bayer.com]
Sent: 3/20/2020 11:28:32 PM
To: Meadows, Sarah [Meadows.Sarah@epa.gov]; Schmid, Emily [Schmid.Emily@epa.gov]
CC: Thomas Orr [thomas.orr@bayer.com]
Subject: XtendiMax Conditions of Registration - Additional Requested Data
Attachments: 8570-35_Data.Matrix.internal_RD1909.pdf; 8570-35_Data.Matrix.public_RD1909.pdf; 51091001_EPA_Data_Checklist_17Mar2020.pdf; Cover letter_M1768_2019_COR.PDF; Transmittal.Document_RD1909.pdf; 8570-1_Application.524-617.pdf

Good evening, Sarah,

Attached is a courtesy copy of the submission of additional data that was requested to support the Conditions of Registration for XtendiMax With VaporGrip Technology. This information was submitted through the online portal a couple hours ago. The data is contained in the last three embedded Excel files in the table in "51091001_EPA_Data_Checklist_17Mar2020." Please let me know if you have trouble accessing the files or have additional questions. Thanks!

Have a great weekend and stay well!

Sincerely,
Steven

Steven T. Callen, Ph.D.
Federal Regulatory Manager

//////////

Bayer U.S. – Crop Science
Monsanto Company
Global Chemistry & Seed Regulatory Affairs
700 Chesterfield Parkway West
Mail Zone: FF4B
Chesterfield, MO 63017, USA
Tel: +1 (636) 737-1133
Fax: +1 (636) 737-5390
Cell: +1 (314) 302-9391
E-mail: steven.callen@bayer.com
Web: <http://www.bayer.com>

/// Follow Bayer on:
/// [Twitter](#) /// [Facebook](#) /// [Instagram](#) /// [LinkedIn](#) /// [YouTube](#)

/// Follow me on:
/// [Twitter](#) /// [LinkedIn](#)

Message

From: Steven Callen [steven.callen@bayer.com]
Sent: 5/5/2020 3:54:31 PM
To: Meadows, Sarah [Meadows.Sarah@epa.gov]; Schmid, Emily [Schmid.Emily@epa.gov]
Subject: RE: Email from Bayer File Transfer System

Hi Sarah,

Yes. It went in yesterday. We tried on Friday and over the weekend, but the portal didn't seem to want to take the files. For whatever reason, it worked yesterday morning.

Thanks,
Steven

From: Meadows, Sarah <Meadows.Sarah@epa.gov>
Sent: Tuesday, May 05, 2020 9:14 AM
To: Steven Callen <steven.callen@bayer.com>; Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: Email from Bayer File Transfer System

Thanks, Steven. Did you submit this through the front end?

From: Steven Callen <steven.callen@bayer.com>
Sent: Friday, May 01, 2020 6:13 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>
Subject: Email from Bayer File Transfer System

Hi Emily and Sarah,

I just wanted to alert you that you should have received or will be receiving an email from the Bayer File Transfer System that contains large data files for VaporGrip X (MON 51817) in support of the XtendiMax re-registration. I know there was some concern about that email the last time I sent data through it, so I just wanted to confirm that it is legit.

Thanks very much and have a great weekend!

Sincerely,
Steven

Steven T. Callen, Ph.D.
Regulatory Affairs Manager

//////////

Bayer U.S. – Crop Science
Monsanto Company
Global Chemistry & Seed Regulatory Affairs
700 Chesterfield Parkway West
Mail Zone: FF4B
Chesterfield, MO 63017, USA
Tel: +1 (636) 737-1133
Fax: +1 (636) 737-5390
Cell: +1 (314) 302-9391
E-mail: steven.callen@bayer.com
Web: <http://www.bayer.com>

/// Follow Bayer on:

/// [Twitter](#) /// [Facebook](#) /// [Instagram](#) /// [LinkedIn](#) /// [YouTube](#)

/// Follow me on:

/// [Twitter](#) /// [LinkedIn](#)

Message

From: Schmid, Emily [Schmid.Emily@epa.gov]
Sent: 3/5/2020 7:00:52 PM
To: Meadows, Sarah [Meadows.Sarah@epa.gov]
Subject: Conditional Data 524-617

Hi Sarah,

I'm going to put the paperwork for the December and January damage reports for xtendimax in your cabinet. The e-submission number is 46505.

Thanks,
Emily

Emily Schmid
Product Manager 25
Herbicide Branch
Registration Division, Office of Pesticide Programs
U.S. Environmental Protection Agency

Message

From: Schmid, Emily [Schmid.Emily@epa.gov]
Sent: 3/2/2020 5:26:57 PM
To: Meadows, Sarah [Meadows.Sarah@epa.gov]
Subject: RE: DRAFT Bayer Xtendimax COR Data Deficiency Letter

This looks great, Sarah! Much better. 😊

From: Meadows, Sarah <Meadows.Sarah@epa.gov>
Sent: Thursday, February 27, 2020 5:12 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Subject: DRAFT Bayer Xtendimax COR Data Deficiency Letter

Hi, RD dicamba team. I have attached a draft deficiency letter for Bayer's COR data submission. Please take a look and edit/comment away. I have an email out to EFED to add or correct anything in the deficiency list, so that may change a bit.

Thanks,

Sarah

Sarah True Meadows, PhD
US Environmental Protection Agency
Office of Pesticide Programs
Registration Division – Herbicide Branch
(703) 347-0505
meadows.sarah@epa.gov

Message

From: Steven Callen (STCALL) via Bayer MyTransfer Pgh Notification Service [mytransfer-pgh_no_reply@bayer.com]
Sent: 4/3/2020 10:48:19 PM
To: Meadows, Sarah [Meadows.Sarah@epa.gov]
Subject: Welcome to Bayer MyTransfer Pgh!



Welcome to Bayer MyTransfer Pgh!

A new user account and file package has been created for you from **Steven Callen (STCALL)**

Subject: XtendiMax Conditions of Registration - Requested Meteorological Data

Your account information is as follows:

Username: meadows.sarah@epa.gov
Password: *has been sent separately*

Please use the following URL and your username/password to login and view this package. You will also be given the opportunity to send a secure reply to this package.

<https://mytransfer-pgh.bayer.biz/human.aspx?OrgID=5913&Arg12=message&Arg06=661023078&Arg08=lldy650h33v095jt&username=meadows.sarah%40epa.gov>

If you need assistance, please contact the Bayer employee who sent you the file package.

Regards,
Bayer MyTransfer Pgh Notification Service

This service is for business purpose only! Unauthorized access and the upload of unlawful content is strictly prohibited. Misuse of this service will lead to account disabling.

Message

From: Steven Callen [steven.callen@bayer.com]
Sent: 3/27/2020 8:44:11 PM
To: Meadows, Sarah [Meadows.Sarah@epa.gov]; Schmid, Emily [Schmid.Emily@epa.gov]
CC: Thomas Orr [thomas.orr@bayer.com]
Subject: XtendiMax Conditions of Registration - Response to Humidome Inquiry
Attachments: 8570-35_Data.Matrix.internal_RD1910.pdf; 8570-35_Data.Matrix.public_RD1910.pdf; Cover letter_M1768_2019_COR.PDF; EFED_Response_To_Humidome_Question_20200327.pdf; Transmittal.Document_RD1910.pdf; 8570-1_Application.524-617.pdf

Good evening, Sarah,

Attached is a courtesy copy of the submission documents of our response to EPA's questions regarding the humidome data we had previously submitted (MRID 510175509). This information was submitted through the online portal a couple hours ago. Embedded in response are the raw data files requested. Please let me know if you have trouble accessing the files or have additional questions. Thanks!

Have a great weekend and stay well!

Sincerely,
Steven

Steven T. Callen, Ph.D.
Federal Regulatory Manager

//////////

Bayer U.S. – Crop Science
Monsanto Company
Global Chemistry & Seed Regulatory Affairs
700 Chesterfield Parkway West
Mail Zone: FF4B
Chesterfield, MO 63017, USA
Tel: +1 (636) 737-1133
Fax: +1 (636) 737-5390
Cell: +1 (314) 302-9391
E-mail: steven.callen@bayer.com
Web: <http://www.bayer.com>

/// Follow Bayer on:

/// [Twitter](#) /// [Facebook](#) /// [Instagram](#) /// [LinkedIn](#) /// [YouTube](#)

From: Meadows, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CD0A1144A9164FA99ADCA52F94CA199A-MEADOWS, SA]
Sent: 10/5/2020 8:24:50 PM
To: Tindall, Kelly [tindall.kelly@epa.gov]
Subject: Record Keeping Requirements (from Xtendimax 2018 label)

Hi, Kelly. I hope this helps!

Record Keeping Record keeping is required for applications of this product. The certified applicator must keep the following records for a period of two years; records must be generated as soon as practical but no later than 72 hours after application and a record must be kept for each application of Xtendimax with VaporGrip Technology. Records must be made available to State Pesticide Control Official(s), USDA, and EPA upon request. An example form summarizing record keeping requirements can be found on www.xtendimaxapplicationrequirements.com.

1. All Items required by 7 CFR Part 110 (RECORDKEEPING ON RESTRICTED USE PESTICIDES BY CERTIFIED APPLICATORS) including: a. The brand or product name b. The EPA registration number c. The total amount applied d. The month, day, and year of application e. The location of the application f. The crop, commodity, stored product, or site of application g. The size of treated area h. The name of the certified applicator i. The certification number of the certified applicator
2. Training: Date and provider of required training completed and proof of completion.
3. Receipts of Purchase: Receipts or copies for the purchase of this product.
4. Product Label: A copy of this product label, and any state special local needs label that supplements this label.
5. Crop Planting Date: Record of the date at which the crop was planted.
6. Buffer Requirement: Record of the buffer distance calculation and any areas included within the buffer distance calculations as allowed in Section 9.1.4.a.
7. Sensitive Crops Awareness: Record that a sensitive crop registry was consulted and survey adjacent fields documenting the crops/areas surrounding the field prior to application. At a minimum, records must include the name of the sensitive crop registry and the date it was consulted and documentation of adjacent crops/areas and the date the survey was conducted (read Section 9.1.4.b for additional information).
8. Start and Finish Times of Each Application: Record of the time at which the application started and the time when the application finished.
9. Application Timing: Record of the type of application (for example: pre-emergence, post-emergence) and number of days after planting if post-emergence.
10. Air Temperature: Record of the air temperature in degrees Fahrenheit at the start and completion of each application.

EPA Reg. No. 524-617 Master Label October 2018

11. Wind Speed and Direction: Record of the wind speed and direction (the direction from which the wind is blowing) at boom height at the start and completion of each application of this product (Read Section 9.1.1 for information on wind speed).
12. Nozzle and Pressure: Record of the spray nozzle manufacturer/brand, type, orifice size, and operating pressure used during each application of this product (Read Section 9.1.1 for information on nozzles and pressures.)
13. Tank Mix Products: Record of the brand names and EPA registration numbers (if available) for all products (pesticides, adjuvants, and other products) that were tank mixed with this product for each application (Read Section 8.0 for more information on tank mixing.)
14. Spray System Cleanout: Record of compliance with the section of this label titled Section 9.5: Proper Spray System Equipment Cleanout. At a minimum, records must include the confirmation that the spray system was clean before using this product and that the post-application cleanout was completed in accordance with Section 9.5

Sarah True Meadows, PhD
US Environmental Protection Agency
Office of Pesticide Programs
Registration Division – Herbicide Branch
(703) 347-0505
meadows.sarah@epa.gov

Message

From: Meadows, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CD0A1144A9164FA99ADCA52F94CA199A-MEADOWS, SA]
Sent: 10/29/2020 1:04:45 PM
To: Schmid, Emily [Schmid.Emily@epa.gov]
Subject: RE: XtendiMax (264-1210) Terms & Conditions Typo

Wow! What a gem!

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Wednesday, October 28, 2020 3:27 PM
To: Meadows, Sarah <Meadows.Sarah@epa.gov>
Subject: FW: XtendiMax (264-1210) Terms & Conditions Typo



From: Garrison, Scott <Garrison.Scott@epa.gov>
Sent: Wednesday, October 28, 2020 3:19 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: XtendiMax (264-1210) Terms & Conditions Typo

Confidential communication for internal deliberations only. Attorney-client privilege. Do not distribute outside U.S. Government.

Ex. 5 Attorney Client (AC)

Scott Garrison
Pesticides and Toxic Substances Law Office (2333A)
Office of General Counsel
U.S. Environmental Protection Agency
202-564-4047
garrison.scott@epa.gov

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Wednesday, October 28, 2020 3:04 PM
To: Garrison, Scott <Garrison.Scott@epa.gov>
Subject: RE: XtendiMax (264-1210) Terms & Conditions Typo

Thank you, Scott! This made me feel better about making an error.

From: Garrison, Scott <Garrison.Scott@epa.gov>
Sent: Wednesday, October 28, 2020 2:59 PM

To: Schmid, Emily <Schmid.Emily@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>

Cc: Echeverria, Marietta <Echeverria.Marietta@epa.gov>

Subject: RE: XtendiMax (264-1210) Terms & Conditions Typo

Confidential communication for internal deliberations only. Attorney-client privilege. Do not distribute outside U.S. Government.

That works. But one thing: Given the rush, there probably are other errors. Do you want to give them a few days to look at it closely and then send one correction notice, rather than possibly sending a series?

Scott Garrison
Pesticides and Toxic Substances Law Office (2333A)
Office of General Counsel
U.S. Environmental Protection Agency
202-564-4047
garrison.scott@epa.gov

From: Schmid, Emily <Schmid.Emily@epa.gov>

Sent: Wednesday, October 28, 2020 2:39 PM

To: Garrison, Scott <Garrison.Scott@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>

Cc: Echeverria, Marietta <Echeverria.Marietta@epa.gov>

Subject: RE: XtendiMax (264-1210) Terms & Conditions Typo

Thank you, Scott and Michele. I'm sorry for the error!

I put a quick letter together to see if this is what you were thinking.

From: Garrison, Scott <Garrison.Scott@epa.gov>

Sent: Wednesday, October 28, 2020 2:25 PM

To: Knorr, Michele <knorr.michele@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>

Cc: Echeverria, Marietta <Echeverria.Marietta@epa.gov>

Subject: RE: XtendiMax (264-1210) Terms & Conditions Typo

Confidential communication for internal deliberations only. Attorney-client privilege. Do not distribute outside U.S. Government.

Still the same problem and solution: Need a cover sheet identifying the change and a new registration notice, with copies to the registrant and in the docket.

Scott Garrison
Pesticides and Toxic Substances Law Office (2333A)
Office of General Counsel
U.S. Environmental Protection Agency
202-564-4047
garrison.scott@epa.gov

From: Knorr, Michele <knorr.michele@epa.gov>
Sent: Wednesday, October 28, 2020 2:23 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>
Cc: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: RE: XtendiMax (264-1210) Terms & Conditions Typo

But, the notice was signed yesterday and the new notice or letter will have today's date on it. So, let's figure out whether you need just a letter noting the mistake with today's date and yesterday's registration notice.

Michele L. Knorr, Attorney
Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5631

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Wednesday, October 28, 2020 2:21 PM
To: Knorr, Michele <knorr.michele@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>
Cc: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: RE: XtendiMax (264-1210) Terms & Conditions Typo

The label isn't up on PPLS yet so the problem is the copy in the docket.

From: Knorr, Michele <knorr.michele@epa.gov>
Sent: Wednesday, October 28, 2020 2:19 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: RE: XtendiMax (264-1210) Terms & Conditions Typo

I believe we had an issue last time with something similar. I think Ruben created a cover sheet to the correct revised notice and acknowledged the typo and that was put in PPLS and the docket.

Scott – you good with this?

Michele L. Knorr, Attorney
Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5631

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Wednesday, October 28, 2020 2:11 PM
To: Knorr, Michele <knorr.michele@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: FW: XtendiMax (264-1210) Terms & Conditions Typo

Well, this is unfortunate. Despite our best efforts to beat the clock and get everything perfect at the same time, we've got a typo in the expiration date for Bayer's registration notice. It probably happened when multiple copies were being passed around at the very end. Do you all have any advice as to the best way to correct it? A replacement Notice that acknowledges that it supersedes the previous due to a typo? A letter? Any suggestions would be welcome.

Thanks,
Dan

From: Steven Callen <steven.callen@bayer.com>
Sent: Wednesday, October 28, 2020 1:03 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Cc: George Sabbagh <george.sabbagh@bayer.com>; Kenny, Daniel <Kenny.Dan@epa.gov>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: XtendiMax (264-1210) Terms & Conditions Typo

Hi Emily,

Thanks to you and all the EPA team for your work on these dicamba registrations.

We noticed that on page 2 of the new Terms and Conditions for XtendiMax (264-1210) that there is a typo regarding the registration expiration. It indicates the expiration is December 20, 2020 rather than in 2025. Is it possible for this to be corrected? I highlighted the text in the attached file.

Thanks!

Sincerely,
Steven

Steven T. Callen, Ph.D.
Crop Protection Regulatory Manager
Broad Acre and Trait Uses

//////////

Bayer U.S. – Crop Science
North America Crop Protection Regulatory Affairs
700 Chesterfield Parkway West
Mail Zone: FF4B
Chesterfield, MO 63017, USA
Tel: +1 (636) 737-1133
Cell: +1 (314) 302-9391
E-mail: steven.callen@bayer.com
Web: <http://www.bayer.com>

/// Follow Bayer on:
/// [Twitter](#) /// [Facebook](#) /// [Instagram](#) /// [LinkedIn](#) /// [YouTube](#)

/// Follow me on:
/// [Twitter](#) /// [LinkedIn](#)

Message

From: Meadows, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CD0A1144A9164FA99ADCA52F94CA199A-MEADOWS, SA]
Sent: 9/2/2020 6:01:44 PM
To: Crawford, Lydia [Crawford.Lydia@epa.gov]
Subject: RE: Summary of Bayer's mitigation plan + BASF's letter

BASF is pretty direct in their submissions. It was easy!

From: Crawford, Lydia <Crawford.Lydia@epa.gov>
Sent: Wednesday, September 02, 2020 1:55 PM
To: Meadows, Sarah <Meadows.Sarah@epa.gov>
Subject: RE: Summary of Bayer's mitigation plan + BASF's letter

Wow you're fast.

From: Meadows, Sarah <Meadows.Sarah@epa.gov>
Sent: Wednesday, September 2, 2020 1:52 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Crawford, Lydia <Crawford.Lydia@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: Summary of Bayer's mitigation plan + BASF's letter

Thanks, Meg. I have attached a very brief summary of BASF's proposal.

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Wednesday, September 02, 2020 1:49 PM
To: Meadows, Sarah <Meadows.Sarah@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Crawford, Lydia <Crawford.Lydia@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>
Subject: Summary of Bayer's mitigation plan + BASF's letter

Hello Sarah:

For your convenience, here is the BASF mitigation plan to summarize (attached).

Also, here is the summary of Bayer's mitigation proposal that I wrote a few weeks ago:

1. Mandating that XtendiMax be tank mixed with additional volatility-reduction agents and drift-reduction adjuvants.
2. Expanding XtendiMax's mandatory downwind drift buffers from 110 to 250 feet.
3. Changing the growth stage timing requirements for XtendiMax OTT applications over soybeans. Specifically, allowing applications only through soybean V4 vegetative stage. Note that the recently vacated labelling had a cutoff at the R1 reproductive stage.
4. Encouraging the use of shielded and hooded spray systems by allowing an exception to the expanded downwind buffer and narrowed application window on OTT soybean application for applicators who can employ appropriate shielded or hooded sprays systems.
5. General suggestions for increased label clarity, such as better using tables for specific crop use directions to improve readability.
6. ***NEW SINCE WHITE PAPER* Proposal for an OTT uses only label.**

Margaret Hathaway (Meg)
Senior Regulatory Specialist

U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

Message

From: Meadows, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CD0A1144A9164FA99ADCA52F94CA199A-MEADOWS, SA]
Sent: 10/2/2020 1:46:52 PM
To: Crawford, Lydia [Crawford.Lydia@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]
CC: Hathaway, Margaret [Hathaway.Margaret@epa.gov]
Subject: RE: Rep. Guest and 30+ members Dicamba Registration Letter

Thanks, Lydia! I was just opening teams to check to see if anyone added it yet.

From: Crawford, Lydia <Crawford.Lydia@epa.gov>
Sent: Friday, October 02, 2020 9:46 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>
Cc: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: Rep. Guest and 30+ members Dicamba Registration Letter

Added to the list

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Thursday, October 1, 2020 1:29 PM
To: Crawford, Lydia <Crawford.Lydia@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>
Cc: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: FW: Rep. Guest and 30+ members Dicamba Registration Letter

FYI – I was wondering if there correspondences were starting to dry up, but I guess not quite yet.

From: Goodis, Michael <Goodis.Michael@epa.gov>
Sent: Thursday, October 01, 2020 1:25 PM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Messina, Edward <Messina.Edward@epa.gov>
Subject: FW: Rep. Guest and 30+ members Dicamba Registration Letter

FYI

Michael L. Goodis, P.E.
Acting Deputy Director for Programs
Office of Pesticide Programs
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
703-308-8157

From: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Sent: Thursday, October 01, 2020 11:37 AM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Grable, Melissa <Grable.Melissa@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Subject: Rep. Guest and 30+ members Dicamba Registration Letter

Heads up on a new Dicamba letter. We'll enter it into CMS and control to OCSPP. Similar to the 9/17 House Ag letter. Thanks,
Sven

Sven-Erik Kaiser
Office of Congressional and Intergovernmental Relations
U.S. Environmental Protection Agency
202-566-2753
kaiser.sven-erik@epa.gov

From: White, Bubba <Joseph.WhiteIII@mail.house.gov>
Sent: Wednesday, September 30, 2020 3:49 PM
To: Washam, Todd <Washam.Todd@epa.gov>
Cc: Kolb, John (JohnMark) <kolb.john@epa.gov>; Solomon, Maya <Maya.Solomon@mail.house.gov>
Subject: Dicamba Registration Letter

Todd,

Please see the attached bipartisan letter to Administrator Wheeler from 32 members of Congress encouraging the issuance off new registrations for four dicamba products: Engenia®, Xtendimax®, FeXapan®, and Tavium®. We also support issuance of these registrations quickly and in simple, clear, and understandable language so that producers can make herbicide and seed purchasing decisions ahead of the 2021 crop year.

Please let us know if you have any questions. A hard copy has been put in the mail.

Best,
Bubba



Bubba White
Legislative Assistant
Rep. Michael Guest (MS-03)
202.226.8289 – Office
202.981-3106 – Cell
230 Cannon HOB
Washington, DC 20515



Message

From: Meadows, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CD0A1144A9164FA99ADCA52F94CA199A-MEADOWS, SA]
Sent: 5/5/2020 1:33:25 PM
To: Schmid, Emily [Schmid.Emily@epa.gov]
Subject: RE: Email from Bayer File Transfer System

Hi, Emily. Do you know what this is about?

From: Steven Callen <steven.callen@bayer.com>
Sent: Friday, May 01, 2020 6:13 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>
Subject: Email from Bayer File Transfer System

Hi Emily and Sarah,

I just wanted to alert you that you should have received or will be receiving an email from the Bayer File Transfer System that contains large data files for VaporGrip X (MON 51817) in support of the XtendiMax re-registration. I know there was some concern about that email the last time I sent data through it, so I just wanted to confirm that it is legit.

Thanks very much and have a great weekend!

Sincerely,
Steven

Steven T. Callen, Ph.D.
Regulatory Affairs Manager

//////////

Bayer U.S. – Crop Science
Monsanto Company
Global Chemistry & Seed Regulatory Affairs
700 Chesterfield Parkway West
Mail Zone: FF4B
Chesterfield, MO 63017, USA
Tel: +1 (636) 737-1133
Fax: +1 (636) 737-5390
Cell: +1 (314) 302-9391
E-mail: steven.callen@bayer.com
Web: <http://www.bayer.com>

/// Follow Bayer on:
/// [Twitter](#) /// [Facebook](#) /// [Instagram](#) /// [LinkedIn](#) /// [YouTube](#)

/// Follow me on:
/// [Twitter](#) /// [LinkedIn](#)

Message

From: Cole, Joseph E. [cole.josephe@epa.gov]
Sent: 10/25/2020 2:24:10 PM
To: Dennis, Allison [Dennis.Allison@epa.gov]
CC: Messina, Edward [Messina.Edward@epa.gov]
Subject: RE: AEZ & Dicamba Press Releases

Allison,

Are these documents now finalized? I was trying to understand if they were still open for any comments. Thanks.

Joe

From: Dennis, Allison <Dennis.Allison@epa.gov>
Sent: Friday, October 23, 2020 1:31 PM
To: Cole, Joseph E. <cole.josephe@epa.gov>
Subject: FW: AEZ & Dicamba Press Releases

Latest versions of the press materials below.

I know OGC staff (michelle know, Scott G) were involved in the review of these materials.

The Q&As, TPs, etc, for both announcements can be found here: https://usepa-my.sharepoint.com/:f:/g/personal/siedschlag_gregory_epa_gov/EvuigEaSfqNMINzGGHJ5WaABGyjSkOndEXsM_mZrfuFIrg?e=fekIJV

From: Dunn, Alexandra <dunn.alexandra@epa.gov>
Sent: Friday, October 23, 2020 1:24 PM
To: Dennis, Allison <Dennis.Allison@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Striegel, Megan <Striegel.Megan@epa.gov>; Block, Molly <block.molly@epa.gov>
Subject: RE: AEZ & Dicamba Press Releases

Looks oK.

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety and Pollution Prevention
US Environmental Protection Agency
Washington, DC

From: Dennis, Allison <Dennis.Allison@epa.gov>
Sent: Friday, October 23, 2020 12:52 PM
To: Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Striegel, Megan <Striegel.Megan@epa.gov>; Block, Molly <block.molly@epa.gov>
Cc: Dunn, Alexandra <dunn.alexandra@epa.gov>
Subject: RE: AEZ & Dicamba Press Releases

+ Alex

From: Drinkard, Andrea <Drinkard.Andrea@epa.gov>

Sent: Friday, October 23, 2020 12:52 PM

To: Dennis, Allison <Dennis.Allison@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Striegel, Megan <Striegel.Megan@epa.gov>; Block, Molly <block.molly@epa.gov>

Subject: AEZ & Dicamba Press Releases

Here's what I'll be submitting to Mandy/Michael later today. These versions include approved quotes from Bill. Please let me know ASAP if you have any last minute edits.

EPA Announces 2020 Dicamba Registration Decision

XXX—At an event in X, U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler announced the next step for dicamba registration. EPA is approving new registrations for two dicamba products and extending the registration of an additional dicamba product. All three registrations include stringent control measures to protect the environment, including non-target plants, animals, and other crops not tolerant to dicamba.

“With today’s decision, farmers now have the certainty they need to make plans for their 2021 growing season,” **said EPA Administrator Andrew Wheeler.** “After reviewing substantial amounts of new information, conducting scientific assessments based on the best available science, and carefully considering input from stakeholders we have reached a resolution that’s good for our farmers, our economy, and our environment.”

Through today’s action, EPA approved new registrations for two “over the top” (OTT) dicamba products—XtendiMax with VaporGrip Technology and Engenia Herbicide— and extended the registration for an additional OTT dicamba product, Tavium plus VaporGrip Technology. These registrations are only for use on dicamba-tolerant (DT) cotton and DT soybeans and will expire in 2025, providing certainty to American agriculture for the upcoming growing season and beyond.

To manage off-site movement of dicamba, EPA’s 2020 registration features important control measures, including:

- Requiring an approved pH-buffering agent (also called a Volatility Reduction Agent or VRA) be tank mixed with over-the-top dicamba products prior to all applications to control volatility;
- More than doubling the size of required downwind buffers compared to the 2018 OTT dicamba labels; in counties where endangered species may exist, the required buffers are even bigger;
- Prohibiting OTT application of dicamba on soybeans after June 30 and cotton after July 30;
- Simplifying the label and use directions so that growers can more easily determine when and how to properly apply dicamba; and

Ex. 5 Deliberative Process (DP)

The 2020 registration labels also provide new flexibilities for growers and states. For example, there are opportunities for growers to reduce the downwind spray buffer for soybeans through use of certain approved hooded sprayers as an alternative control method. EPA also recognizes and supports the important authority FIFRA section 24 gives the states for issuing locally appropriate regulations for pesticide use. If a state wishes to expand the federal OTT uses of dicamba to better meet special local needs, the Agency will work with them to support their goals.

This action was informed by input from state regulators, grower groups, academic researchers, pesticide manufacturers, and others. EPA reviewed substantial amounts of new information and conducted scientific

assessments based on the best available science, including making an Effect Determination under the Endangered Species Act (ESA). With this information and input, EPA has concluded that these registration actions meet Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) registration standards. EPA believes that these new analyses address the concerns expressed in regard to EPA's 2018 dicamba registrations in the June 2020 U.S. Court of Appeals for the Ninth Circuit. After completing its Effects Determinations for dicamba uses on DT cotton and soybeans, EPA concluded that with the control measures now required on labels, these actions do not affect endangered or threatened species.

Ex. 5 AC/DP

To view the final registration of the dicamba products, visit docket EPA-HQ-OPP-2020-0492 at [regulations.gov](https://www.regulations.gov).

Background

The United States is the world's leading soybean producer and second leading soybean exporter and also serves as the world's third-largest cotton producer and the leading cotton exporter. Today, there are limited cost-effective options to control herbicide-resistant weeds affecting these commodities. In 2018, approximately 41 percent of U.S. soybean acreage was planted with dicamba-tolerant (DT) seed and almost 70 percent of U.S. cotton acreage was planted with DT seed in 2019. Relative to alternative herbicide programs, postemergence dicamba may reduce weed control costs for some growers, possibly by as much as \$10 per acre, or over five percent of net operating revenue, not accounting for all measures growers will have to take to control off-field movement of dicamba.

Following reports of damage resulting from the off-site movement of dicamba, EPA amended the dicamba registration labels in 2017 and in 2018. In June 2020, the U.S. Court of Appeals for the Ninth Circuit vacated the registrations for three dicamba products: XtendiMax with VaporGrip Technology, Engenia Herbicide, and DuPont FeXapan Herbicide. As a result of the Court's decision, EPA issued cancellation orders outlining limited circumstances under which existing stocks of the three affected products could be distributed and used until July 31, 2020.

EPA Finalizes Improvements to Pesticide Application Exclusion Zone Requirements

Final rule clarifies and simplifies application exclusion zone requirements while maintaining important worker protections

XXX— Today, at an event in **X**, U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler will be announcing that the agency has finalized important improvements to requirements for the pesticide application exclusion zone (AEZ) – the area surrounding pesticide application equipment that exists only during outdoor production pesticide applications. EPA's targeted changes improve the enforceability and workability of the AEZ requirements, decrease regulatory burdens for farmers, and maintain critical worker protections. Today's revisions are consistent with the 2018 Pesticide Registration Improvement Act (PRIA). The AEZ requirements are part of EPA's agricultural Worker Protection Standard (WPS) regulations.

"Since day one, the Trump Administration has been committed to protecting our farmworkers and ensuring they aren't burdened with unnecessary regulation as they provide Americans with food," **said EPA Administrator Andrew Wheeler**. "The changes to the AEZ requirements make it easier to ensure people near our nation's farms are protected while giving farm owners and their families greater flexibility."

This final action balances the input EPA received from a wide range of stakeholders during the proposed action's 90-day comment period. EPA has clarified and simplified the AEZ requirements based in part on input from state pesticide regulatory agencies and agricultural stakeholders after the adoption of the 2015 WPS rule. Consistent with PRIA, EPA is only implementing changes related to the AEZ requirements in the WPS. These targeted changes include:

- AEZ requirements only apply within the boundaries of the agricultural establishment, removing off-farm responsibilities that were difficult for state regulators to enforce.
- Immediate family members of farm owners are now exempted from all aspects of the AEZ requirements. Farm owners and their immediate family are now able to shelter in place inside closed buildings, giving farm owners and immediate family members flexibility to decide whether to stay on-site during pesticide applications, rather than compelling them to leave even when they feel safe remaining.
- New clarifying language has been added so that pesticide applications that are suspended due to individuals entering an AEZ may be resumed after those individuals have left the AEZ.
- Simplified the criteria to determine whether pesticide applications are subject to the 25- or 100-foot AEZ.

No changes were made to the "Do Not Contact" provision that prohibits a handler/applicator and the handler's employer from applying a pesticide in such a way that it contacts workers or other persons directly or through drift.

To read the rule in full, please visit: [*insert link*](#)

Background

The original WPS regulation was enacted in 1992 under EPA's Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorities to protect farm workers from pesticide exposures in production agriculture. The WPS requires owners and employers on agricultural establishments and commercial pesticide-handling establishments to protect employees on farms, forests, nurseries and greenhouses from occupational exposure to agricultural pesticides.

In 2015, EPA finalized various significant revisions to the 1992 WPS. Among the 2015 revisions was a new provision requiring agricultural employers to keep non-applicator workers and all other individuals out of an area called the "application exclusion zone" (AEZ) during outdoor pesticide applications. The AEZ is the area surrounding pesticide application equipment that exists only during outdoor production pesticide applications. The AEZ will remain 25-feet in all directions for ground pesticide applications, and 100-feet in all directions for outdoor aerial, air blast, air-propelled, fumigant, smoke, mist and fog pesticide applications.

The initial intent of the AEZ was to supplement existing WPS provisions for farm workers to better protect them and other on-farm persons that could be contacted by pesticides. However, state regulators expressed concerns with enforcing the complex AEZ requirements, farm owners expressed concerns with applying and enforcing pesticide regulations on their own property, and members of EPA's Pesticide Program Dialogue Committee expressed numerous other concerns.

Andrea Drinkard
Senior Advisor
EPA Office of Public Affairs
Desk: 202.564.1601
Cell: 202.236.7765

Message

From: cmsadmin@epa.gov [cmsadmin@epa.gov]
Sent: 9/18/2020 2:57:12 PM
To: Dinkins, Darlene [Dinkins.Darlene@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]; Han, Kaythi [Han.Kaythi@epa.gov]; Cyran, Carissa [Cyran.Carissa@epa.gov]; Siedschlag, Gregory [Siedschlag.Gregory@epa.gov]
Subject: CMS New Assignment - Marilyn Malloy - AX-20-000-7253

Control AX-20-000-7253 has been assigned to your office on 9/18/20 10:57 AM by Marilyn Malloy. Please go to the CMS webpage to view the details of the control.

Summary Information -

Control Number: AX-20-000-7253

Control Subject: Reading File - Issue new registration for the dicamba products, Xtendimax, Engenia and FeXapan

From: Alfa Farmers; Alabama Agribusiness Council; Alabama Farmers Federation; Alabama Department of Agriculture

Note: This Email was automatically generated. Please do not attempt to respond to it. You can access this control at <https://cms.epa.gov/cms>. Questions or comments concerning CMS should be directed to CMS Support at 202-564-4985 or CMS Information@epa.gov.

Message

From: cmsadmin@epa.gov [cmsadmin@epa.gov]
Sent: 9/18/2020 2:47:35 PM
To: Dinkins, Darlene [Dinkins.Darlene@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]; Han, Kaythi [Han.Kaythi@epa.gov]; Cyran, Carissa [Cyran.Carissa@epa.gov]; Siedschlag, Gregory [Siedschlag.Gregory@epa.gov]
Subject: CMS New Assignment - Marilyn Malloy - AX-20-000-7258

Control AX-20-000-7258 has been assigned to your office on 9/18/20 10:47 AM by Marilyn Malloy. Please go to the CMS webpage to view the details of the control.

Summary Information -
Control Number: AX-20-000-7258
Control Subject: Re-registration of Dicamba Products Xtendimax, Engenia and FeXapan
From: Verett, Steve; Wade, Shawn

Note: This Email was automatically generated. Please do not attempt to respond to it. You can access this control at <https://cms.epa.gov/cms>. Questions or comments concerning CMS should be directed to CMS Support at 202-564-4985 or CMS Information@epa.gov.

Message

From: cmsadmin@epa.gov [cmsadmin@epa.gov]
Sent: 9/15/2020 2:57:13 PM
To: Dinkins, Darlene [Dinkins.Darlene@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]; Han, Kaythi [Han.Kaythi@epa.gov]; Cyran, Carissa [Cyran.Carissa@epa.gov]; Siedschlag, Gregory [Siedschlag.Gregory@epa.gov]
Subject: CMS New Assignment - Marilyn Malloy - AX-20-000-7138

Control AX-20-000-7138 has been assigned to your office on 9/15/20 10:57 AM by Marilyn Malloy. Please go to the CMS webpage to view the details of the control.

Summary Information -

Control Number: AX-20-000-7138

Control Subject: Re-Registration Decision for the Dicamba Products XtendiMax, Engena and FeXapan

From: Tennessee Farm Bureau Federation; Tennessee Department of Agriculture; Tennessee Farmers Cooperative; Tennessee Soybean Association; Tennessee Corn Growers Association; Tennessee Corn Promotion Council; Tennessee Feed and Grain Association; Tennessee Agricultural Production; River Valley AgCredit

Note: This Email was automatically generated. Please do not attempt to respond to it. You can access this control at <https://cms.epa.gov/cms>. Questions or comments concerning CMS should be directed to CMS Support at 202-564-4985 or CMS Information@epa.gov.

Message

From: cmsadmin@epa.gov [cmsadmin@epa.gov]
Sent: 9/2/2020 3:04:03 AM
To: Messina, Edward [Messina.Edward@epa.gov]
Subject: CMS Inactivity Notification - In Box Item(s)

Edward Messina:

The following item(s) in your CMS In Box have not been acted upon for more than 5 days. Please go to the CMS webpage for proper action.

Control Number: AX-20-000-6743
Control Subject: New Label
From: Xirinachs, Steve
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Aug 25 2020
Days Inactive: 6

Control Number: AX-20-000-6226
Control Subject: Reregistration of Xtendimax herbicide
From: Schroeder, Harvey
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jul 31 2020
Days Inactive: 31

Control Number: AX-20-000-6166
Control Subject: Help Urgent
From: Kowal, Chris
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jul 27 2020
Days Inactive: 35

Control Number: AX-20-000-6177
Control Subject: Aerosol Disinfectant from Mexico
From: Vasquez, Victor
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jul 27 2020
Days Inactive: 35

Control Number: OCSPP-20-000-3912
Control Subject: Pollution/Habitat Loss
From: Banks, Keira
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Aug 10 2020
Days Inactive: 21

Control Number: AX-20-000-6547
Control Subject: RE: 2020 Re-registration of Dicamba New Use on Herbicide-Tolerant Soybeans and Cotton
From: Saun, Amy van
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Aug 18 2020
Days Inactive: 13

Control Number: AX-20-000-6151

Control Subject: Ban Paraquat, Chlorpyrifos and Trichloroethylene
From: Harm, Jake
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jul 24 2020
Days Inactive: 38

Control Number: AX-20-000-6489
Control Subject: 2020 Re-registration of Dicamba New Use on Herbicide-Tolerant Soybeans and Cotton
From: Saun, Amy van
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Aug 12 2020
Days Inactive: 19

Control Number: AX-20-000-6411
Control Subject: Reading File - Xtendimax Registration
From: Nunley, Jeff
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Aug 06 2020
Days Inactive: 25

Control Number: AX-20-000-5503
Control Subject: Reading File - Allow the continued use of already purchased Dicamba products for American farmers
From: Sentino, Sabrina
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jun 09 2020
Days Inactive: 83

Note: This Email was automatically generated. Please do not attempt to respond to it. You can access this control at <https://cms.epa.gov/cms>. Questions or comments concerning CMS should be directed to CMS Support at 202-564-4985 or CMS.Information@epa.gov.

Message

From: Ford Baldwin [ford@weedconsultants.com]
Sent: 8/25/2020 11:47:51 PM
To: Messina, Edward [Messina.Edward@epa.gov]
Subject: Re: Dicamba

Yes sir my friend. Same to you. Be safe.

Sent from my iPhone

On Aug 25, 2020, at 5:58 PM, Messina, Edward <Messina.Edward@epa.gov> wrote:

Thank you for the information. Hope you are staying safe.

Ed

Ed Messina, Esq.
Acting Office Director
Office of Pesticide Programs
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
p: (703) 347-0209

From: Ford Baldwin <ford@weedconsultants.com>
Sent: Tuesday, August 25, 2020 1:11 PM
To: Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Subject: Fwd: Dicamba

Sent from my iPhone

Begin forwarded message:

From: Ford Baldwin <Ford@weedconsultants.com>
Date: August 25, 2020 at 9:47:25 AM CDT
To: keigwin.richard@epa.gov, William Chism <chism.bill@epa.gov>, Daniel Kenny <Kenny.Dan@epa.gov>
Subject: Dicamba

I have attached three photos of soybean fields I have inspected in 2020- two from Arkansas and one from South Dakota. I have also attached a photo of a sycamore tree and one of a ginkgo tree.

I have travelled extensively throughout Arkansas, Missouri, West TN, Iowa and South Dakota this summer and the soybean photos are very representative of what happened to any farmer who had the audacity to try to grow any soybeans other than Xtend. Why are these farmers not receiving equal consideration- compared to those who want the

Xtend technology- in the registration process? For a farmer to not have the right to grow anything he chooses without the fear of chemical trespass- is simply wrong. Some say things are getting better as complaint numbers are down. In Arkansas we have over 200 alleged dicamba complaints, down from nearly 1000 in 2017. Does that make 200 good? Two hundred complaints on a single herbicide would have been unheard of prior to Xtend crops. Also most all of our dicamba applications occurred after the May 25 cutoff so farmers are simply giving the middle finger to regulations. I observed the same in SD. In SD the state will not send an inspector out unless the complainant names the perpetrator. They won't go look but claim they have less complaints than last year. Go figure. The MO Department of AG won't respond to a dicamba complaint so sure their numbers are down. In addition many growers have surrendered to the company marketing model, defensive planting, and that has helped soybean complaint numbers. Does this make it right. Many folks just don't complain because nothing ever comes of it.

You will note in the photos I sent there are no drift patterns. The field in the first photo is one of 1400 acres that were perfectly uniform in damage. That is simply caused by atmospheric loading of dicamba volatiles. There was not a direct potential dicamba source within line of sight of any field. I found the same thing in SD. Also up I-29 from the bottom to top of Iowa you can pick out every Xtend and non-Xtend field at Interstate speed limits.

The sycamore tree photo wasn't near a dicamba application. I have observed them all over the Mississippi River Delta and all the way to Kankakee IL. If they are anywhere, including the middle of towns in the in-crop use areas, that is what they look like. That is only one example. Many other species including oaks, cypress, ornamentals and fruit trees are being damaged. The ginkgo tree was on a University Experiment Station. Anyone who is involved in the registration decision should be required to take a driving tour of the MO bootheel and just look at the trees- in towns and throughout the countryside. They look terrible as most have been hit multiple times over several years. I was a causation expert in the Bader Farms peach trial. As a result I have seen many of the company registration documents and the entire process was a joke. Now they propose to send some more Vapor Grip (vinegar) with the Xtendimax for the applicator to dump in the tank and call it a fix. How much more verified in field use data and information do they have to support this being a fix? Furthermore we know the addition of glyphosate to the tank with dicamba dramatically increases volatility yet they continue to promote it. Now they want to register glufosinate-ammonium with dicamba for use in XtendFlex. That alone tells me they aren't serious about reducing or eliminating volatility. Nothing they have told the Agency about off target movement has been right yet. Science simply does not support any of the current dicamba formulations being registered for in-crop use. Until a completely non-volatile formulation of dicamba is developed, this herbicide simply will not stay on target.

I realize the entire dicamba situation is complex. Like you, I have been embroiled in the middle of it for several years. It is the most divisive herbicide technology ever in my 46 years as a weed scientist. There three categories of soybean farmers: those who want the technology; those who have been forced to plant it defensively for economic survival; and those who want to plant other technologies for very sound reasons. There are also homeowners and growers of other crops being negatively affected. It appears that only those that wish to use the Xtend technology have been considered. In reality, they have options to use other technologies. Those being negatively impacted by dicamba are innocent bystanders. I encourage the agency to give equal consideration to all parties involved in the upcoming registration decision.

Sincerely, Ford Baldwin Ph.D

<image001.jpg>

<image002.jpg>

<image003.jpg>

<image004.jpg>

<image005.jpg>

Sent from my iPhone

Message

From: cmsadmin@epa.gov [cmsadmin@epa.gov]
Sent: 8/31/2020 2:13:41 PM
To: Messina, Edward [Messina.Edward@epa.gov]
Subject: CMS Inactivity Notification - In Box Item(s)

Edward Messina:

The following item(s) in your CMS In Box have not been acted upon for more than 5 days. Please go to the CMS webpage for proper action.

Control Number: AX-20-000-6743
Control Subject: New Label
From: Xirinachs, Steve
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Aug 25 2020
Days Inactive: 5

Control Number: AX-20-000-6226
Control Subject: Reregistration of Xtendimax herbicide
From: Schroeder, Harvey
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jul 31 2020
Days Inactive: 30

Control Number: AX-20-000-6161
Control Subject: End the suffering; testing on mammals
From: Dayz, Jamie
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jul 27 2020
Days Inactive: 34

Control Number: AX-20-000-6166
Control Subject: Help Urgent
From: Kowal, Chris
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jul 27 2020
Days Inactive: 34

Control Number: AX-20-000-6177
Control Subject: Aerosol Disinfectant from Mexico
From: Vasquez, Victor
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jul 27 2020
Days Inactive: 34

Control Number: OCSPP-20-000-3912
Control Subject: Pollution/Habitat Loss
From: Banks, Keira
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Aug 10 2020
Days Inactive: 20

Control Number: AX-20-000-6547

Control Subject: RE: 2020 Re-registration of Dicamba New Use on Herbicide-Tolerant Soybeans and Cotton
From: Saun, Amy van
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Aug 18 2020
Days Inactive: 12

Control Number: AX-20-000-5517
Control Subject: Reading File - Ninth Circuit Vacatur of Dicamba Labels
From: Coppock, W. Daren
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jun 09 2020
Days Inactive: 82

Control Number: AX-20-000-6151
Control Subject: Ban Paraquat, Chlorpyrifos and Trichloroethylene
From: Harm, Jake
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jul 24 2020
Days Inactive: 37

Control Number: AX-20-000-6489
Control Subject: 2020 Re-registration of Dicamba New Use on Herbicide-Tolerant Soybeans and Cotton
From: Saun, Amy van
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Aug 12 2020
Days Inactive: 18

Control Number: AX-20-000-6411
Control Subject: Reading File - Xtendimax Registration
From: Nunley, Jeff
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Aug 06 2020
Days Inactive: 24

Control Number: AX-20-000-5503
Control Subject: Reading File - Allow the continued use of already purchased Dicamba products for American farmers
From: Sentino, Sabrina
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jun 09 2020
Days Inactive: 82

Control Number: AX-20-000-6670
Control Subject: Reduce pesticide use
From: Wright, Sandra
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Aug 20 2020
Days Inactive: 10

Note: This Email was automatically generated. Please do not attempt to respond to it. You can access this control at <https://cms.epa.gov/cms>. Questions or comments concerning CMS should be directed to CMS Support at 202-564-4985 or CMS.Information@epa.gov.

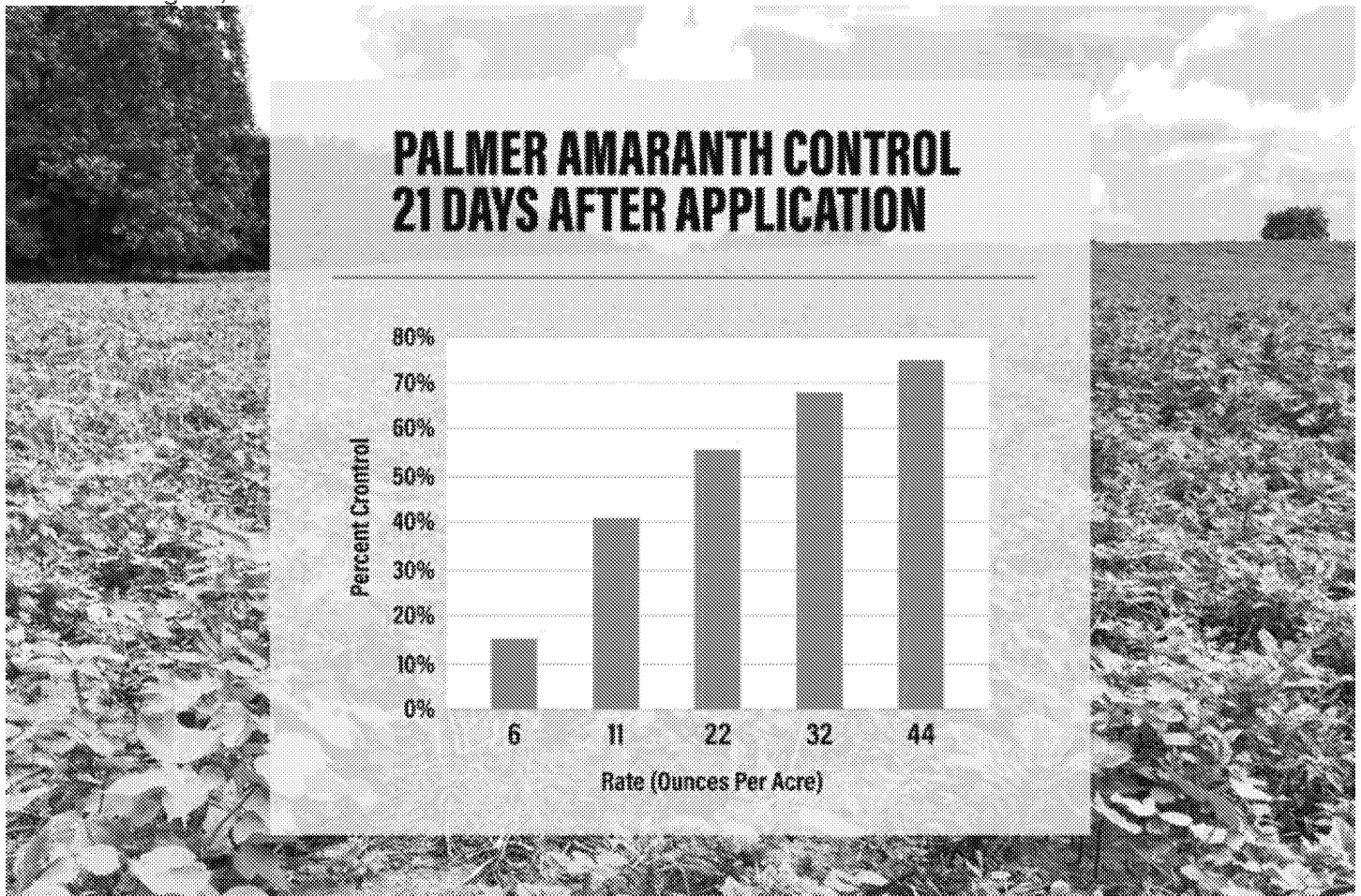
Message

From: Weiler, Gregory [weiler.gregory@epa.gov]
Sent: 8/31/2020 11:25:58 AM
To: Messina, Edward [Messina.Edward@epa.gov]; Luschek, Robert [Luschek.Robert@epa.gov]; Rush, Randall [Rush.Randall@epa.gov]; Garcia, Diego [Garcia.Diego01@epa.gov]; Nystrom, Eric [nystrom.eric@epa.gov]
CC: pspradley [pspradley@uaex.edu]; Don Renchie Ph. D. (d-renchie@tamu.edu) [d-renchie@tamu.edu]; Kimberly Pope (Kbrown@agcenter.lsu.edu) [Kbrown@agcenter.lsu.edu]; Kevin Shelton (kevin.shelton@okstate.edu) [kevin.shelton@okstate.edu]
Subject: Dicamba No Silver Bullet for Palmer

CROPS

Dicamba No Silver Bullet for Palmer

by Sonja Begemann
09:49AM Aug 26, 2020



Palmer amaranth 2" to 5" tall at application. XtendiMax Rate oz. per acre. All applications were mixed with 32 oz. per acre of Roundup PM.
(University of Tennessee, Larry Steckel et al)

-
-
-
-

Dicamba's under pressure ... again.

"The level of dicamba resistance in Palmer amaranth is relatively low, about 2.5 times," explains Larry Steckel, University of Tennessee Extension weed scientist. "The level of infestation in any given field ranges from a small pocket where a mother plant went to seed in 2019, to an area covering several acres in a field."

He says this compares to what farmers saw in Tennessee in 2006 when Palmer amaranth was starting to escape glyphosate. The range of control in resistant fields he's seen go from 90% down to as low as 40%.

Time to Panic?

Not yet, Steckel assures. Examine your weed management plan. Consider bringing back some older, tried-and-true methods of control. This could include hooded applications of certain herbicides in cotton, Steckel says.

Cover crops, tillage, cultivation and narrower row widths are other, non-chemical means of control to consider. In addition, pre-emergent herbicide application is critical, as Steckel saw some differences when a pre-emergent herbicide application was made.

“Finally, preliminary research would suggest that dicamba-resistant Palmer amaranth will also be more tolerant to 2,4-D,” Steckel says. “This makes Liberty the most important herbicide in the weed management system in both Xtend and Enlist crops.”

Concerns About Spread

University of Illinois weed scientist Aaron Hager is keeping a close eye on what’s happening down south.

“It’s hard to tell when the resistance could spread up here,” he says. Weed seed spreads in many different and unexpected ways, so it’s important to stay vigilant.

Stewardship is key to protecting dicamba and other herbicides on the market, says Bob Hartzler, Iowa State University weed scientist. It’s a combination of techniques that will help win the fight against weeds.

To listen to more about dicamba-resistant Palmer amaranth, future problem weeds and more, visit [AgWeb.com/weed-panel](https://www.agweb.com/weed-panel)

From: AgWeb AM <aginfo@farmjournal.com>
Sent: Monday, August 31, 2020 5:37 AM
To: Weiler, Gregory <weiler.gregory@epa.gov>
Subject: Signal to Noise: Did the Conventions Change Anything?

TODAY'S TOP STORIES

SPECIAL SECTION: WEED MANAGEMENT

**Scout to Set Harvest
Expectations**

**Sneaky Weeds Descend on U.S.
Fields**

ADVERTISEMENT

2020 Field Trial Tour

Follow Nufarm's Dr Dan Beran as he highlights the results of some key herbicide test plots.

ADVERTISEMENT



**Fall Weed
Management
Can Pay Big
Dividends**

GET THE FACTS

Nufarm
Grow it better tomorrow

Powered by  LiveIntent

AdChoices 



Clinton Griffiths: Focus. Let 2020 be 2020.

We started the year focusing on the future, and maybe it's time to turn our attention back there.

[Read More](#)

[Read More](#)

ADVERTISEMENT


**America's #1
KN95 Face Mask**



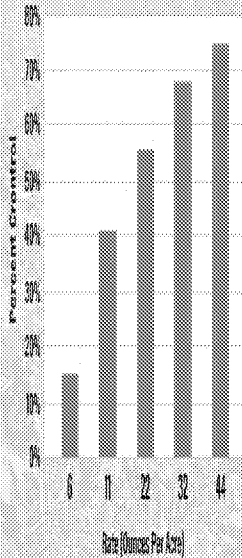
Hope Health Supply

SHOP NOW

Powered by  LiveIntent

AdChoices 

PALMER AMARANTH CONTROL 21 DAYS AFTER APPLICATION



Dicamba No Silver Bullet for Palmer

Larry Steckel, University of Tennessee Extension weed scientist, says the level of dicamba resistance in Palmer amaranth compares to what farmers saw in Tennessee in 2006 when Palmer amaranth was starting to escape glyphosate.

[Read More](#)

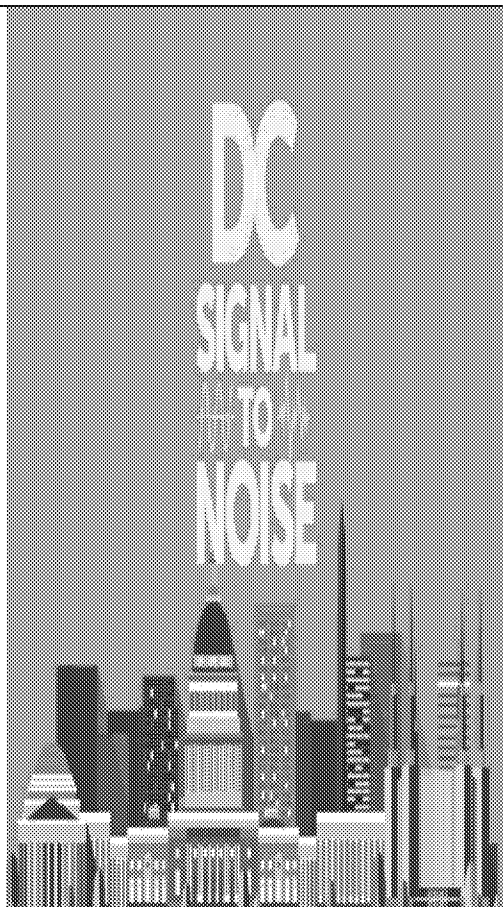
[Read More](#)

ADVERTISEMENT



Watch a Replay of the #FarmON Concert

Watch a replay of the #FarmON concert from Farm Journal and benefitting the 4-H FOURWARD Fund featuring Lee Brice, Martina McBride, Rodney Atkins and Justin Moore along with a host of other country stars.



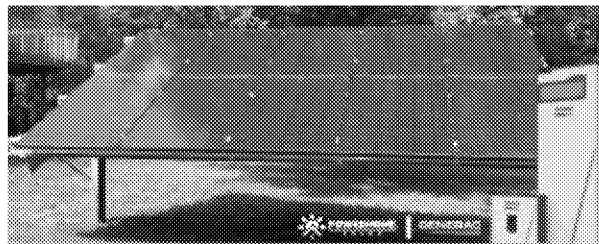
Signal to Noise: Did the Conventions Change Anything?

Did the Democrat and Republican national conventions change any minds? Pro Farmer's Jim Wiesemeyer and Farm Journal's John Herath debate where the race stands in the final stretch and look at a surprising early call that the presidential race is over.

[Read More](#)

[Read More](#)

ADVERTISEMENT



**QUALIFIED HOMEOWNERS:
GET PAID OVER \$2,039 AFTER INSTALL*
OF SOLAR + GENERAC BATTERY
IF YOU LIVE IN THESE ZIP CODES**

[Learn More](#)

Powered by LiveIntent

AdChoices



Peter Martin: Focus on Converting Fixed Costs to Variable

If I haven't already convinced you of the power of focus, here's another reason: expense control and improved cash flow.

[Read More](#)[Read More](#)

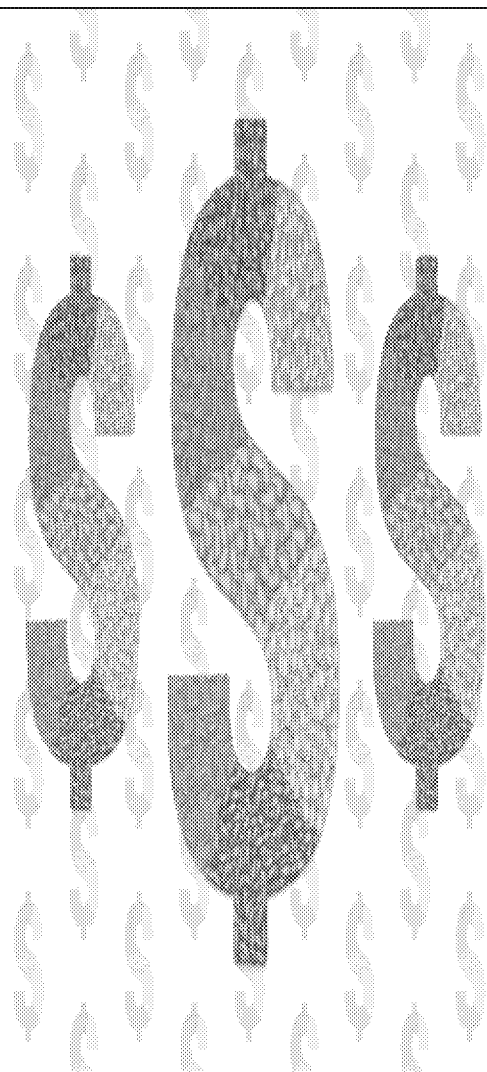
ADVERTISEMENT



Send Us Your "What a Day!" Photo

Sometimes the only way to get through life's mishaps is to either laugh or commiserate. So here's your chance to share it with our readers.

Email images to whataday@farmjournal.com or hashtag #FJWhatADay on Twitter and Instagram.



6 Seed Buying Strategies

You need to weigh new options with proven products and be prudent versus cheap. As you consider products for your operation, focus on these strategies.

[Read More](#)

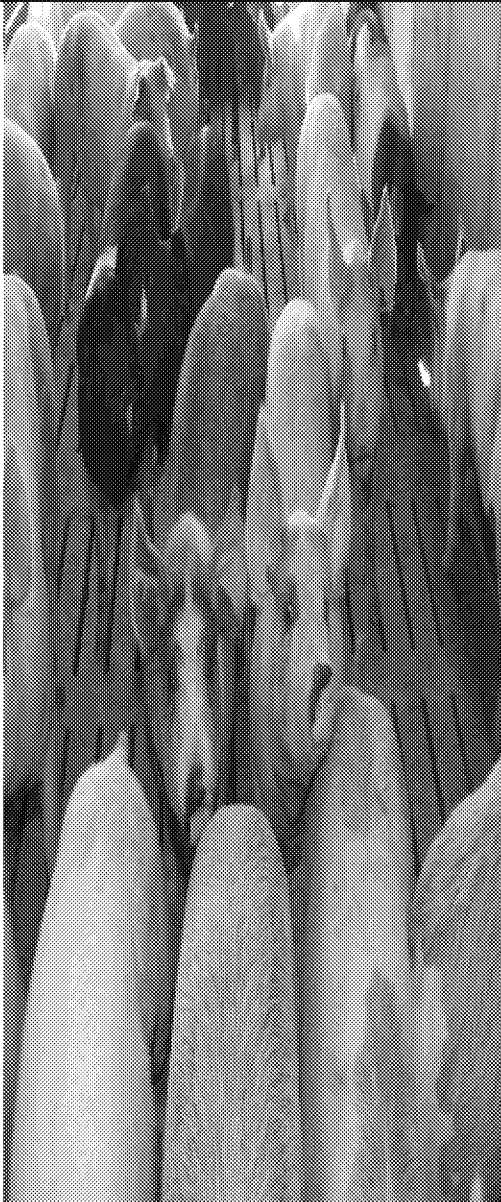
[Read More](#)

ADVERTISEMENT

Online Training: Growing Hemp From A to Z

In this one-hour online training, Certified Crop Advisor Bryan Parr educates farmers on the basics of how to grow hemp for grain or fiber. [Click here](#) to learn more or to register.





Taiwan Lifts Ban on Ractopamine in U.S. Pork Imports

Taiwan paved the way for an eventual free trade deal with the United States on Friday by announcing an easing of restrictions on the import of U.S. beef and pork.

[Read More](#)

[Read More](#)

FARM JOURNAL

FELD
DAYS

AUGUST 15-21, 2010

A MODERN
FARM SHOW

WWW.FARMJOURNAL.COM

DON'T MISS OUT ON FARM JOURNAL'S
FARMON APPAREL. A PORTION FROM EVERY
PURCHASE GOES DIRECTLY TO NATIONAL 4-H.

HEAD TO THE LINK BELOW OR VISIT OUR VIRTUAL BOOTH

WWW.DONATEDONLINECOLLECTIONS.GOV/FARMON

#FarmON Gear Now Available!

Right now \$2 is being donated to 4-H for every item purchased. Shop Cowpokes online to order bit.ly/FarmONMerch

[Read More](#)

[Read More](#)

FARM JOURNAL

FIELD
DAYS

It's not too late! Catch all of the great Farm
Journal Field Days sessions on demand
here.

Register Now

Register Now



Know someone who would enjoy
this newsletter? Forward it to a
friend!

Forward Now

Forward Now



[Subscribe](#)

[Preferences/Unsubscribe](#)

[About Us](#)

[Contact Us](#)

[Website](#)

© Farm Journal, Inc 2020

8725 Rosehill Road

Lenexa, KS, 66215



[Email Us](#) | [Privacy Policy](#)

Message

From: cmsadmin@epa.gov [cmsadmin@epa.gov]
Sent: 8/19/2020 3:04:11 AM
To: Messina, Edward [Messina.Edward@epa.gov]
Subject: CMS Inactivity Notification - In Box Item(s)

Edward Messina:

The following item(s) in your CMS In Box have not been acted upon for more than 5 days. Please go to the CMS webpage for proper action.

Control Number: AX-20-000-5541
Control Subject: Reading File - U.S. Court of Appeals for the Ninth Circuit Dicamba Ruling
From: Bleam, Maison B.
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jun 09 2020
Days Inactive: 69

Control Number: AX-20-000-5665
Control Subject: United States Court of Appeals for the Ninth Circuit Vacatur of Dicamba Registrations
From: Schlesky, Megan
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jun 22 2020
Days Inactive: 56

Control Number: AX-20-000-5681
Control Subject: Ninth Court ruling vacating the registration of three dicamba-based pesticide products
From: Hamilton, Mason
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jun 23 2020
Days Inactive: 55

Control Number: AX-20-000-5657
Control Subject: United States Court of Appeals for the Ninth Circuit Vacatur of Dicamba Registrations
From: Paustian, Ross
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jun 19 2020
Days Inactive: 59

Control Number: AX-20-000-5656
Control Subject: Dicamba issue
From: Hein, Lee
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jun 19 2020
Days Inactive: 59

Control Number: AX-20-000-6089
Control Subject: Ban Paraquat and Trichloroethylene
From: Rankin, Angela
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jul 20 2020
Days Inactive: 28

Control Number: AX-20-000-5473

Control Subject: Reading File - National Family Farm Coalition vs. U.S. EPA, Case No. 19-70115
From: Costello, Jerry
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jun 09 2020
Days Inactive: 69

Control Number: AX-20-000-6226
Control Subject: Reregistration of Xtendimax herbicide
From: Schroeder, Harvey
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jul 31 2020
Days Inactive: 17

Control Number: AX-20-000-5780
Control Subject: Reading File - Request for the EPA to allow Third-Party Certifiers Under the TSCA Title VI Composite Wood Program to Conduct Remote "on-site" Inspections during the COVID-19 Pandemic
From: Suires, Cindy L.
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jun 29 2020
Days Inactive: 49

Control Number: AX-20-000-5984
Control Subject: Reading File - United States Court of Appeals for the Ninth Circuit Vacatur of Dicamba Registrations
From: Halloran, Steve
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jul 09 2020
Days Inactive: 39

Control Number: AX-20-000-6096-WH
Control Subject: I ask that you support efforts to have the EPA waive these onerous regulations that require copper to be registered as a pesticide.
From: Buttenschon, Marianne
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jul 20 2020
Days Inactive: 28

Control Number: AX-20-000-6432
Control Subject: Guidance for Antibacterial Detergent
From: Hadayia, Brenda
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Aug 10 2020
Days Inactive: 7

Control Number: AX-20-000-5482
Control Subject: Reading File - Ninth Circuit Decision to Vacate Dicamba Registrations
From: Schmitz, Jerry
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jun 09 2020
Days Inactive: 69

Control Number: AX-20-000-5477
Control Subject: Reading File - Ninth Circuit Court Dicamba OTT Decision
From: Rea, Paul
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP

Date Sent: Jun 09 2020
Days Inactive: 69

Control Number: AX-20-000-6409
Control Subject: Reading File - Re-Register Xtendimax with Vaporgrip Technology, Engenia, and FeXapan and allow growers to use these weed management tools in 2021 and beyond
From: Sills, Taylor R.
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Aug 06 2020
Days Inactive: 11

Control Number: AX-20-000-5457
Control Subject: Reading File - Ninth Circuit Vacature of Dicamba Labels
From: Coppock, W. Daren
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jun 05 2020
Days Inactive: 73

Control Number: AX-20-000-5455
Control Subject: Reading File - Cotton Industry Concerns Regarding Dicamba Decision
From: Adams, Gary M.
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jun 05 2020
Days Inactive: 73

Control Number: AX-20-000-6161
Control Subject: End the suffering; testing on mammals
From: DayZ, Jamie
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jul 27 2020
Days Inactive: 21

Control Number: AX-20-000-6166
Control Subject: Help Urgent
From: Kowal, Chris
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jul 27 2020
Days Inactive: 21

Control Number: AX-20-000-6177
Control Subject: Aerosol Disinfectant from Mexico
From: Vasquez, Victor
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jul 27 2020
Days Inactive: 21

Control Number: AX-20-000-6428
Control Subject: Reading File - Request to include Federal Commission for the Protection against Sanitary Risk (COFEPRIS) pesticide registration processing delays in United States-Mexico-Canada Agreement implementation discussions with Mexico
From: Novak, Christopher A.
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Aug 07 2020
Days Inactive: 10

Control Number: AX-20-000-6429

Control Subject: Sodium Dichloroisocyanurate (NaDCC) - EPA Clearance
From: Alla, Reddy
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Aug 07 2020
Days Inactive: 10

Control Number: AX-20-000-6317
Control Subject: Request for EPA approved disinfectant wipe manufacturer list
From: Do, Damon
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Aug 05 2020
Days Inactive: 12

Control Number: OCSPP-20-000-3912
Control Subject: Pollution/Habitat Loss
From: Banks, Keira
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Aug 10 2020
Days Inactive: 7

Control Number: AX-20-000-5517
Control Subject: Reading File - Ninth Circuit Vacatur of Dicamba Labels
From: Coppock, W. Daren
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jun 09 2020
Days Inactive: 69

Control Number: AX-20-000-6148
Control Subject: IIA and Nanotechnology- Based Pesticides
From: Rich, Laura
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jul 23 2020
Days Inactive: 25

Control Number: AX-20-000-4710
Control Subject: The potential threat of expired Clorox
From: Donovan, Thomas L.
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Aug 07 2020
Days Inactive: 10

Control Number: AX-20-000-6151
Control Subject: Ban Paraquat, Chlorpyrifos and Trichloroethylene
From: Harm, Jake
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jul 24 2020
Days Inactive: 24

Control Number: AX-20-000-5476
Control Subject: Reading File - Court of Appeals for the Ninth Circuit Ruling on Dicamba
From: Gordon, Bill
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jun 09 2020
Days Inactive: 69

Control Number: AX-20-000-5659
Control Subject: Reading File - United States Court of Appeals for the Ninth Circuit Vacatur of Dicamba Registrations
From: Schlesky, Megan
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jun 19 2020
Days Inactive: 59

Control Number: AX-20-000-6489
Control Subject: 2020 Re-registration of Dicamba New Use on Herbicide-Tolerant Soybeans and Cotton
From: Saun, Amy van
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Aug 12 2020
Days Inactive: 5

Control Number: AX-20-000-6411
Control Subject: Reading File - Xtendimax Registration
From: Nunley, Jeff
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Aug 06 2020
Days Inactive: 11

Control Number: AX-20-000-6292
Control Subject: Reading File - Thank you to the Administrator and staff for celebration of successful National Pollinator Week 2020
From: Adams, Laurie Davies
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Aug 05 2020
Days Inactive: 12

Control Number: AX-20-000-6293
Control Subject: End the suffering of testing on mammals
From: Zimmer, Arlene
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Aug 05 2020
Days Inactive: 12

Control Number: AX-20-000-6500
Control Subject: Require professional response on hydrogen peroxide-based products as effective disinfectant and sanitizer against viruses
From: Khan, Kamran
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Aug 12 2020
Days Inactive: 5

Control Number: AX-20-000-5503
Control Subject: Reading File - Allow the continued use of already purchased Dicamba products for American farmers
From: Sentino, Sabrina
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jun 09 2020
Days Inactive: 69

Control Number: AX-20-000-5211
Control Subject: Project: COVID-19 HC Systems - Proposed Immediate Attack Solutions
From: Silberman, Barry D.

Task Name: New Assignment
Sent By: cmsdockt
Sent To: OCSPP-OPP
Date Sent: May 27 2020
Days Inactive: 82

Control Number: AX-20-000-5474
Control Subject: Reading File - U.S. Court of Appeals Ninth Circuit Ruling on Dicamba
From: Place, Whitney
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jun 09 2020
Days Inactive: 69

Control Number: AX-20-000-5470
Control Subject: Reading File - Reverse the Ruling on Dicamba
From: Borrell, Charlie
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jun 09 2020
Days Inactive: 69

Control Number: AX-20-000-5522
Control Subject: Reading File - Cancellation Order of Dicamba Labels
From: Van Doren, Lisa Kelley
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jun 09 2020
Days Inactive: 69

Control Number: AX-20-000-6322
Control Subject: Prevent Parkinson Disease
From: Schell, Kevin W.
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Aug 05 2020
Days Inactive: 12

Note: This Email was automatically generated. Please do not attempt to respond to it. You can access this control at <https://cms.epa.gov/cms>. Questions or comments concerning CMS should be directed to CMS Support at 202-564-4985 or CMS.Information@epa.gov.

Message

From: cmsadmin@epa.gov [cmsadmin@epa.gov]
Sent: 8/12/2020 3:04:24 AM
To: Messina, Edward [Messina.Edward@epa.gov]
Subject: CMS Inactivity Notification - In Box Item(s)

Edward Messina:

The following item(s) in your CMS In Box have not been acted upon for more than 5 days. Please go to the CMS webpage for proper action.

Control Number: AX-20-000-5541
Control Subject: Reading File - U.S. Court of Appeals for the Ninth Circuit Dicamba Ruling
From: Bleam, Maison B.
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jun 09 2020
Days Inactive: 62

Control Number: AX-20-000-5665
Control Subject: United States Court of Appeals for the Ninth Circuit Vacatur of Dicamba Registrations
From: Schlesky, Megan
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jun 22 2020
Days Inactive: 49

Control Number: AX-20-000-5681
Control Subject: Ninth Court ruling vacating the registration of three dicamba-based pesticide products
From: Hamilton, Mason
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jun 23 2020
Days Inactive: 48

Control Number: AX-20-000-5657
Control Subject: United States Court of Appeals for the Ninth Circuit Vacatur of Dicamba Registrations
From: Paustian, Ross
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jun 19 2020
Days Inactive: 52

Control Number: AX-20-000-5656
Control Subject: Dicamba issue
From: Hein, Lee
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jun 19 2020
Days Inactive: 52

Control Number: AX-20-000-6089
Control Subject: Ban Paraquat and Trichloroethylene
From: Rankin, Angela
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jul 20 2020
Days Inactive: 21

Control Number: AX-20-000-5473

Control Subject: Reading File - National Family Farm Coalition vs. U.S. EPA, Case No. 19-70115
From: Costello, Jerry
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jun 09 2020
Days Inactive: 62

Control Number: AX-20-000-6226
Control Subject: Reregistration of Xtendimax herbicide
From: Schroeder, Harvey
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jul 31 2020
Days Inactive: 10

Control Number: AX-20-000-5780
Control Subject: Reading File - Request for the EPA to allow Third-Party Certifiers Under the TSCA Title VI Composite Wood Program to Conduct Remote "on-site" Inspections during the COVID-19 Pandemic
From: Suires, Cindy L.
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jun 29 2020
Days Inactive: 42

Control Number: AX-20-000-5984
Control Subject: Reading File - United States Court of Appeals for the Ninth Circuit Vacatur of Dicamba Registrations
From: Halloran, Steve
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jul 09 2020
Days Inactive: 32

Control Number: AX-20-000-6096-WH
Control Subject: I ask that you support efforts to have the EPA waive these onerous regulations that require copper to be registered as a pesticide.
From: Buttenschon, Marianne
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jul 20 2020
Days Inactive: 21

Control Number: AX-20-000-5482
Control Subject: Reading File - Ninth Circuit Decision to Vacate Dicamba Registrations
From: Schmitz, Jerry
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jun 09 2020
Days Inactive: 62

Control Number: AX-20-000-5477
Control Subject: Reading File - Ninth Circuit Court Dicamba OTT Decision
From: Rea, Paul
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jun 09 2020
Days Inactive: 62

Control Number: AX-20-000-5457
Control Subject: Reading File - Ninth Circuit Vacature of Dicamba Labels
From: Coppock, W. Daren
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP

Date Sent: Jun 05 2020
Days Inactive: 66

Control Number: AX-20-000-5455
Control Subject: Reading File - Cotton Industry Concerns Regarding Dicamba Decision
From: Adams, Gary M.
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jun 05 2020
Days Inactive: 66

Control Number: AX-20-000-6161
Control Subject: End the suffering; testing on mammals
From: Dayz, Jamie
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jul 27 2020
Days Inactive: 14

Control Number: AX-20-000-6166
Control Subject: Help Urgent
From: Kowal, Chris
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jul 27 2020
Days Inactive: 14

Control Number: AX-20-000-6177
Control Subject: Aerosol Disinfectant from Mexico
From: Vasquez, Victor
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jul 27 2020
Days Inactive: 14

Control Number: AX-20-000-6317
Control Subject: Request for EPA approved disinfectant wipe manufacturer list
From: Do, Damon
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Aug 05 2020
Days Inactive: 5

Control Number: AX-20-000-5517
Control Subject: Reading File - Ninth Circuit Vacatur of Dicamba Labels
From: Coppock, W. Daren
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jun 09 2020
Days Inactive: 62

Control Number: AL-20-000-6227
Control Subject: RE: ZEHN-X VIRAL DISINFECTANT
From: Curtis, John
Task Name: New Assignment
Sent By: Sven-erik Kaiser
Sent To: OCSPP-OPP
Date Sent: Jul 31 2020
Days Inactive: 10

Control Number: AX-20-000-6148
Control Subject: IIA and Nanotechnology- Based Pesticides
From: Rich, Laura
Task Name: New Assignment

Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jul 23 2020
Days Inactive: 18

Control Number: AX-20-000-6151
Control Subject: Ban Paraquat, Chlorpyrifos and Trichloroethylene
From: Harm, Jake
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jul 24 2020
Days Inactive: 17

Control Number: AX-20-000-5476
Control Subject: Reading File - Court of Appeals for the Ninth Circuit Ruling on Dicamba
From: Gordon, Bill
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jun 09 2020
Days Inactive: 62

Control Number: AX-20-000-5659
Control Subject: Reading File - United States Court of Appeals for the Ninth Circuit Vacatur of Dicamba Registrations
From: Schlesky, Megan
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jun 19 2020
Days Inactive: 52

Control Number: AX-20-000-6292
Control Subject: Reading File - Thank you to the Administrator and staff for celebration of successful National Pollinator Week 2020
From: Adams, Laurie Davies
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Aug 05 2020
Days Inactive: 5

Control Number: AX-20-000-6293
Control Subject: End the suffering of testing on mammals
From: Zimmer, Arlene
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Aug 05 2020
Days Inactive: 5

Control Number: AX-20-000-5503
Control Subject: Reading File - Allow the continued use of already purchased Dicamba products for American farmers
From: Sentino, Sabrina
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jun 09 2020
Days Inactive: 62

Control Number: AX-20-000-5211
Control Subject: Project: COVID-19 HC Systems - Proposed Immediate Attack Solutions
From: Silberman, Barry D.
Task Name: New Assignment
Sent By: cmsdockt
Sent To: OCSPP-OPP
Date Sent: May 27 2020
Days Inactive: 75

Control Number: AX-20-000-5474
Control Subject: Reading File - U.S. Court of Appeals Ninth Circuit Ruling on Dicamba
From: Place, Whitney
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jun 09 2020
Days Inactive: 62

Control Number: AX-20-000-5470
Control Subject: Reading File - Reverse the Ruling on Dicamba
From: Borrell, Charlie
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jun 09 2020
Days Inactive: 62

Control Number: AX-20-000-5522
Control Subject: Reading File - Cancellation Order of Dicamba Labels
From: Van Doren, Lisa Kelley
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Jun 09 2020
Days Inactive: 62

Control Number: AX-20-000-6322
Control Subject: Prevent Parkinson Disease
From: Schell, Kevin W.
Task Name: New Assignment
Sent By: Marilyn Malloy
Sent To: OCSPP-OPP
Date Sent: Aug 05 2020
Days Inactive: 5

Note: This Email was automatically generated. Please do not attempt to respond to it. You can access this control at <https://cms.epa.gov/cms>. Questions or comments concerning CMS should be directed to CMS Support at 202-564-4985 or CMS.Information@epa.gov.

Message

From: cmsadmin@epa.gov [cmsadmin@epa.gov]
Sent: 8/6/2020 11:32:06 PM
To: Dinkins, Darlene [Dinkins.Darlene@epa.gov]; Sisco, Debby [Sisco.Debby@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]; Berckes, Nicole [Berckes.Nicole@epa.gov]; Han, Kaythi [Han.Kaythi@epa.gov]; Siedschlag, Gregory [Siedschlag.Gregory@epa.gov]
Subject: CMS For Your Information - Marilyn Malloy - AX-20-000-6365

Control AX-20-000-6365 has been forwarded to your office on 8/6/20 7:32 PM by Marilyn Malloy. Please go to the CMS webpage to view the details of the control.

Summary Information -
Control Number: AX-20-000-6365
Control Subject: XtendiMax Herbicide Re-Registration Public Comment Letter to the EPA
From: Horn, Austin

Note: This Email was automatically generated. Please do not attempt to respond to it. You can access this control at <https://cms.epa.gov/cms>. Questions or comments concerning CMS should be directed to CMS Support at 202-564-4985 or CMS Information@epa.gov.

Message

From: cmsadmin@epa.gov [cmsadmin@epa.gov]
Sent: 8/6/2020 11:30:38 PM
To: Dinkins, Darlene [Dinkins.Darlene@epa.gov]; Sisco, Debby [Sisco.Debby@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]; Berckes, Nicole [Berckes.Nicole@epa.gov]; Han, Kaythi [Han.Kaythi@epa.gov]; Siedschlag, Gregory [Siedschlag.Gregory@epa.gov]
Subject: CMS New Assignment - Marilyn Malloy - AX-20-000-6409

Control AX-20-000-6409 has been assigned to your office on 8/6/20 7:30 PM by Marilyn Malloy. Please go to the CMS webpage to view the details of the control.

Summary Information -

Control Number: AX-20-000-6409

Control Subject: Reading File - Re-Register Xtendimax with Vaporgrip Technology, Engenia, and FeXapan and allow growers to use these weed management tools in 2021 and beyond

From: Sills, Taylor R.; Davis, Bart

Note: This Email was automatically generated. Please do not attempt to respond to it. You can access this control at <https://cms.epa.gov/cms>. Questions or comments concerning CMS should be directed to CMS Support at 202-564-4985 or CMS Information@epa.gov.

Message

From: cmsadmin@epa.gov [cmsadmin@epa.gov]
Sent: 8/6/2020 11:29:54 PM
To: Dinkins, Darlene [Dinkins.Darlene@epa.gov]; Sisco, Debby [Sisco.Debby@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]; Berckes, Nicole [Berckes.Nicole@epa.gov]; Han, Kaythi [Han.Kaythi@epa.gov]; Siedschlag, Gregory [Siedschlag.Gregory@epa.gov]
Subject: CMS New Assignment - Marilyn Malloy - AX-20-000-6411

Control AX-20-000-6411 has been assigned to your office on 8/6/20 7:29 PM by Marilyn Malloy. Please go to the CMS webpage to view the details of the control.

Summary Information -
Control Number: AX-20-000-6411
Control Subject: Reading File - Xtendimax Registration
From: Nunley, Jeff

Note: This Email was automatically generated. Please do not attempt to respond to it. You can access this control at <https://cms.epa.gov/cms>. Questions or comments concerning CMS should be directed to CMS Support at 202-564-4985 or CMS Information@epa.gov.

Message

From: Smith, Mark A. [Smith.Marka@epa.gov]
Sent: 6/9/2020 3:07:52 AM
To: Messina, Edward [Messina.Edward@epa.gov]
Subject: RE: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

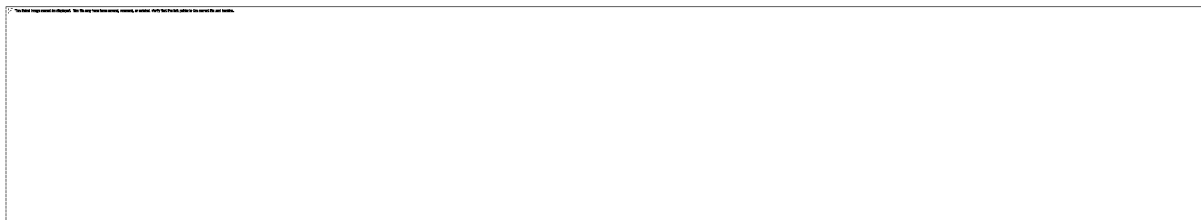
Thanks!

From: Messina, Edward <Messina.Edward@epa.gov>
Sent: Monday, June 8, 2020 9:04 PM
To: Smith, Mark A. <Smith.Marka@epa.gov>; Garcia, Beth <garcia.beth@epa.gov>; Armstead, John A. <Armstead.John@epa.gov>
Subject: Fwd: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

Ed Messina, Esq.
Deputy Office Director (Programs)
Office of Pesticide Programs
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
p: (703) 347-0209

Begin forwarded message:

From: "Kaiser, Sven-Erik" <Kaiser.Sven-Erik@epa.gov>
Date: June 8, 2020 at 7:46:27 PM EDT
Subject: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations



EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

WASHINGTON (June 8, 2020) — Today, the U.S. Environmental Protection Agency (EPA) issued a key order providing farmers with needed clarity following the Ninth Circuit Court of Appeals' June 3, 2020 vacatur of three dicamba registrations. Today's [cancellation order](#) outlines limited and specific circumstances under which existing stocks of the three affected dicamba products can be used for a limited period of time. EPA's order will advance protection of public health and the environment by ensuring use of existing stocks follows important application procedures.

“At the height of the growing season, the Court’s decision has threatened the livelihood of our nation’s farmers and the global food supply,” **said EPA Administrator Andrew Wheeler**. “Today’s cancellation and existing stocks order is consistent with EPA’s standard practice following registration invalidation, and is designed to advance compliance, ensure regulatory certainty, and to prevent the misuse of existing stocks.”

EPA’s order will mitigate some of the devastating economic consequences of the Court’s decision for growers, and particularly rural communities, at a time they are experiencing great stress due to the COVID-19 public health emergency.

Details of the Order

EPA’s order addresses sale, distribution, and use of existing stocks of the three affected dicamba products - XtendiMax with vapor grip technology, Engenia, and FeXapan.

1. Distribution or sale by any person is generally prohibited except for ensuring proper disposal or return to the registrant.
2. Growers and commercial applicators may use existing stocks that were in their possession on June 3, 2020, the effective date of the Court decision. Such use must be consistent with the product’s previously-approved label, and may not continue after July 31, 2020.

Background

On June 3, 2020, the Ninth Circuit Court of Appeals issued an order vacating EPA’s pesticide registrations containing the active ingredient dicamba: Xtendimax with Vaporgrip Technology (EPA Reg. No. 524-617); Engenia - (EPA Reg. No. 7969-345); and FeXapan - (EPA Reg. No. 352-913).

Dicamba is a valuable pest control tool that farmers nationwide planned to use during the 2020 growing season. Since the Court issued its opinion, the agency has been overwhelmed with letters and calls from farmers citing the devastation of this decision on the millions of acres of crops, millions of dollars already invested by farmers, and threat to America’s food supply.

Please let me know if any questions. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753 (o)
202-591-0619 (c)

Message

From: Dinkins, Darlene [Dinkins.Darlene@epa.gov]
Sent: 7/1/2020 7:32:34 PM
To: Messina, Edward [Messina.Edward@epa.gov]
Subject: FW: OCSPP/RDD July 9 mtg. agenda topics: Dicamba; AEZ; COVID statements
Attachments: Dicamba TPs AAW 61620 (003).docx

You have the Administrator's tps attached, but just sharing to see if there's anything in here you can use for the RDD meeting.

Darlene Dinkins

Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5214

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Wednesday, July 01, 2020 10:17 AM
To: Messina, Edward <Messina.Edward@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Subject: RE: OCSPP/RDD July 9 mtg. agenda topics: Dicamba; AEZ; COVID statements

Hello Ed:

For a timeline, the best list I've seen is the OGC-approved version that you distributed earlier, though that list only covers from June 3rd through June 16th. I've copied that below for your reference, and can reach out to OGC for help in updating the list to be more current. Would an expanded list, formatted as seen below, contain what you need for the upcoming RDD meeting on July 9th?

Regarding stakeholder questions, RD has not responded to any of the questions we have received, other than to acknowledge receipt. It's been our understanding that our focus should be on tracking dicamba inquiries coming to our office but that we should wait for responses approved by the AA's office before replying. If that is incorrect, please let us know and RD can change direction.

June 3rd through June 16th Dicamba Litigation Timeline, Cleared by OGC.

On June 3, 2020 in the case entitled *National Family Farm Coalition, et. al. versus EPA*, the United States Court of Appeals for the Ninth Circuit Court (based in San Francisco, California) ruled that EPA's approval of three over-the-top dicamba herbicides (XtendiMax, Engenia and FeXapan) for genetically modified crops such as soybeans be vacated (or ended) immediately.

On June 8, 2020, EPA issued a cancellation order providing farmers with needed clarity following the Ninth Circuit's decision. The order outlines limited and specific circumstances under which existing stocks of the three affected dicamba products can be used, through July 31, 2020.

On June 11, 2020, the NGO's who had originally filed the complaint in this case (National Family Farm Coalition, Center for Biological Diversity, and Center for Food Safety) filed an emergency motion with the Ninth Circuit asking that the court enforce their original vacating order and find EPA in contempt.

On June 16, 2020, the Department of Justice, on behalf of EPA, filed its response to the NGO's request, arguing that EPA had complied with the court's order in treating the products as unregistered. The cancellation order is a separate legal action, that consistent with the Court's order, and does not allow distribution and sale of these products, except in limited circumstances. The cancellation order also bans use of existing stocks after July 31, 2020, and requires that any use of existing stocks prior to July 31, 2020 follow previously-approved label conditions.

Thank you,

Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: Messina, Edward <Messina.Edward@epa.gov>
Sent: Tuesday, June 30, 2020 8:05 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Subject: FW: OCSPP/RDD July 9 mtg. agenda topics: Dicamba; AEZ; COVID statements

Can someone prepare some talking points for me for the RDD's I think I will just go through a timeline of dates? Decision, EPA order, briefs filed in the case, decision to not seek appeal, close of briefing schedule. Something along those lines? Also, any questions we have answered.

Ed

Ed Messina, Esq.
Acting Office Director
Office of Pesticide Programs
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
p: (703) 347-0209

From: Garcia, Beth <garcia.beth@epa.gov>
Sent: Tuesday, June 30, 2020 5:23 PM
To: Messina, Edward <Messina.Edward@epa.gov>
Cc: Goodis, Michael <Goodis.Michael@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Mosby, Jackie <Mosby.Jackie@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>; O'Neill, Sandra <ONeill.Sandra@epa.gov>; Gaines, Jennifer <gaines.jennifer@epa.gov>; Schroeder, Carolyn <Schroeder.Carolyn@epa.gov>; Lloyd, Matthew <Lloyd.Matthew@epa.gov>
Subject: OCSPP/RDD July 9 mtg. agenda topics: Dicamba; AEZ; COVID statements

Ed:

Thanks again for doing the Hemp briefing on last month's OCSPP/RDD call. We received feedback from the Regional Ag Advisors and RDD that it was useful.

For the upcoming OCSPP/RDD July 9th meeting from 2-3pm, we would like to touch base on Dicamba (10 mins.) since the regions are still fielding a lot of questions and a lot has happened since the last meeting. Please let me know if you or someone else is available to speak about this.

In addition, other OPP topics would be the AEZ rule, C&T update and the status of the COVID statements (5 mins.). The WPS statement came out since we last met and the CPA statement is at OMB. In previous meetings, Carolyn has covered these topic so we are hoping she is available to cover these topics.

Speaking of the COVID-19 statements, as you are aware OECA has issued the addendum to the Temporary Enforcement Policy (TEP), which includes a termination date of August 31, 2020 (see [COVID-19 Enforcement and Compliance Resources webpage](#).) A follow up question is how/whether this impacts the COVID-19 statements OPP has issued so far. While we fully appreciate and understand this question may not be ready to answer by next week, it would be good to understand the various considerations.

I look forward your feedback and working with you and Mike in your new roles!

Sincerely,

Beth

Beth Garcia

Lead Region Coordinator for OCSPP

EPA Region 3

(215) 814-5243

Message

From: Dinkins, Darlene [Dinkins.Darlene@epa.gov]
Sent: 10/28/2020 4:27:40 PM
To: Siedschlag, Gregory [Siedschlag.Gregory@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]
Subject: RE: OPP Shout-out (bcc OPP-ALL)

You have a great team!

Darlene Dinkins
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5214

From: Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>
Sent: Tuesday, October 27, 2020 6:19 PM
To: Messina, Edward <Messina.Edward@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Subject: RE: OPP Shout-out (bcc OPP-ALL)

Really appreciate you all including the FEAD folks. This was a huge lift over the past couple of weeks for Rhina and Maya (and Allison). They did quality work and their efforts were instrumental in getting us over the finish line. Thanks again!

Greg Siedschlag
Chief, Communications Branch
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Phone: (703) 603-9044
Cell: (571) 319-7949
pronouns: he/him/his

From: Messina, Edward <Messina.Edward@epa.gov>
Sent: Tuesday, October 27, 2020 6:15 PM
Subject: OPP Shout-out (bcc OPP-ALL)

Today at a live event with cotton growers in Brooklet, GA, EPA Administrator Wheeler announced the approval of new registrations for two (OTT) dicamba products and an extension of the registration for an additional OTT dicamba product. All three registrations include new stringent control measures to protect the environment, including non-target plants, animals, and other crops not tolerant to dicamba. These registrations are only for use on dicamba-tolerant (DT) cotton and DT soybeans and will expire in 2025. To manage off-site movement of dicamba, EPA's 2020 registration features important control measures (<https://beta.regulations.gov/docket/EPA-HQ-OPP-2020-0492/document>). Some of these new control measures include a downwind buffer of 240 feet and 310 feet in areas where listed species are located and prohibiting OTT application of dicamba on soybeans after June 30 and cotton after July 30.

Congratulations to the Dicamba team listed below for a job well done!



EPA Announces 2020 Dicamba Registration Decision

Brooklet, Ga. (October 27, 2020) – At the Cromley Farm, U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler announced that EPA is approving new five-year registrations for two dicamba products and extending the registration of an additional dicamba product. All three registrations include new control measures to ensure these products can be used effectively while protecting the environment, including non-target plants, animals, and other crops not tolerant to dicamba.

“With today’s decision, farmers now have the certainty they need to make plans for their 2021 growing season,” **said EPA Administrator Andrew Wheeler.** “After reviewing substantial amounts of new information, conducting scientific assessments based on the best available science, and carefully considering input from stakeholders we have reached a resolution that is good for our farmers and our environment.”

Through today’s action, EPA approved new registrations for two “over-the-top” (OTT) dicamba products—XtendiMax with VaporGrip Technology and Engenia Herbicide—and extended the registration for an additional OTT dicamba product, Tavium Plus VaporGrip Technology. These registrations are only for use on dicamba-tolerant (DT) cotton and soybeans and will expire in 2025, providing certainty to American agriculture for the upcoming growing season and beyond.

To manage off-site movement of dicamba, EPA’s 2020 registration features important control measures, including:

- Requiring an approved pH-buffering agent (also called a Volatility Reduction Agent or VRA) be tank mixed with OTT dicamba products prior to all applications to control volatility.
- Requiring a downwind buffer of 240 feet and 310 feet in areas where listed species are located.
- Prohibiting OTT application of dicamba on soybeans after June 30 and cotton after July 30.
- Simplifying the label and use directions so that growers can more easily determine when and how to properly apply dicamba.

The 2020 registration labels also provide new flexibilities for growers and states. For example, there are opportunities for growers to reduce the downwind spray buffer for soybeans through use of certain approved hooded sprayers as an alternative control method. EPA also recognizes and supports the important authority

FIFRA section 24 gives the states for issuing locally appropriate regulations for pesticide use. If a state wishes to expand the federal OTT uses of dicamba to better meet special local needs, the agency will work with them to support their goals.

This action was informed by input from state regulators, grower groups, academic researchers, pesticide manufacturers, and others. EPA reviewed substantial amounts of new information and conducted assessments based on the best available science, including making Effect Determinations under the Endangered Species Act (ESA). With this information and input, EPA has concluded that these registration actions meet Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) registration standards. EPA believes that these new analyses address the concerns expressed in regard to EPA's 2018 dicamba registrations in the June 2020 U.S. Court of Appeals for the Ninth Circuit. Further, EPA concluded that with the control measures now required on labels, these actions either do not affect or are not likely to adversely affect endangered or threatened species.

To view the final registration of the dicamba products, visit docket EPA-HQ-OPP-2020-0492 at www.regulations.gov.

Background

The United States is the world's leading soybean producer and second-leading soybean exporter and also serves as the world's third-largest cotton producer and the leading cotton exporter. Today, there are limited cost-effective options to control herbicide-resistant weeds affecting these commodities. In 2018, approximately 41 percent of U.S. soybean acreage was planted with dicamba-tolerant (DT) seed and almost 70 percent of U.S. cotton acreage was planted with DT seed in 2019. Relative to alternative herbicide programs, postemergence dicamba may reduce weed control costs for some growers, possibly by as much as \$10 per acre, or over five percent of net operating revenue, not accounting for all measures growers will have to take to control off-field movement of dicamba.

Following reports of damage resulting from the off-site movement of dicamba, EPA amended the dicamba registration labels in 2017 and in 2018. In June 2020, the U.S. Court of Appeals for the Ninth Circuit vacated the registrations for three dicamba products: XtendiMax with VaporGrip Technology, Engenia Herbicide, and DuPont FeXapan Herbicide. As a result of the Court's decision, EPA issued cancellation orders outlining limited circumstances under which existing stocks of the three affected products could be distributed and used until July 31, 2020.

Dicamba Team

Immediate Office

Mike Goodis

RD:

Marietta Echeverria

Dan Rosenblatt

Dan Kenny

Emily Schmid

Meg Hathaway
Sarah Meadows
Lydia Crawford

EFED:

Jan Matuszko
Brian Anderson
Mark Corbin
Charles (Chuck) Peck
Frank Farruggia
Ed Odenkirchen
Douglas (Ethan) Harwood
Michael Wagman
Jennifer Connolly
Monica Wait

BEAD:

Kimberly Nesci
Neil Anderson
Tim Kiely
Monisha Kaul
Brad Kells
TJ Wyatt
Bill Chism
Jonathan Becker
Kelly Tindall
John Orlowski

HED:

Dana Vogel
David Miller
Sarah Dobreniecki
Erin Jones
Kelly Lowe
Peter Savoia

FEAD:

Rhina Lara
Maya Piper
Carissa Cyran
Gregory Siedschlag
Allison Dennis
Sandra O'Neill
Kaitlin Picone
Emily Ryan
Rachel Ricciardi
Loren LaPointe
Cindy Wire

ITRMD:

Sharon McBride

PTSLO:

Erin Koch

Michele Knorr

Scott Garrison

Ed Messina, Esq.

Acting Office Director

Office of Pesticide Programs

Office of Chemical Safety & Pollution Prevention

U.S. Environmental Protection Agency

Washington, D.C.

p: (703) 347-0209

Message

From: Weiler, Gregory [weiler.gregory@epa.gov]
Sent: 6/4/2020 1:58:39 PM
To: Messina, Edward [Messina.Edward@epa.gov]
Subject: FW: FED court in SF tell EPA to revoke approval of widely used herbicide (Dicamba).....
Attachments: Daily News Digest 6.4.20.pdf

From: Weiler, Gregory

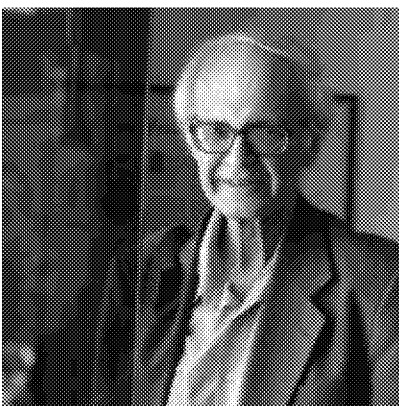
Sent: Thursday, June 4, 2020 8:55 AM

To: Mortensen, Ginah <mortensen.ginah@epa.gov>; Rush, Randall <Rush.Randall@epa.gov>; Smith, Ron <ron.smith@farmprogress.com>; Angle, Stephen <Angle.Stephen@epa.gov>; Broadnax, Sheila <Broadnax.Sheila@epa.gov>; Dunbar, Kristin <Dunbar.Kristin@epa.gov>; Eric Nystrom (nystrom.eric@epa.gov) <nystrom.eric@epa.gov>; Garcia, Diego <Garcia.Diego01@epa.gov>; Jeffrey Lammers (Lammers.Jeffrey@epa.gov) <Lammers.Jeffrey@epa.gov>; Luschek, Robert <Luschek.Robert@epa.gov>; Sidrah Khan (khan.sidrah@epa.gov) <khan.sidrah@epa.gov>; Willhelm Romero, Clarisa <WillhelmRomero.Clarisa@epa.gov>
Cc: Baumgartner, Donald <baumgartner.donald@epa.gov>; Reed, Leo A <reedla@purdue.edu>; pspradley@uaex.edu; Susie. Nichols (susie.nichols@agriculture.arkansas.gov) <susie.nichols@agriculture.arkansas.gov>; 'Kevin Wofford' <kwofford@ldaf.state.la.us>; Dale Scott <Dale.Scott@TexasAgriculture.gov>; Cervantes, Perry <Perry.Cervantes@TexasAgriculture.gov>; SBaca@nmda.nmsu.edu; Ryan.Williams@ag.ok.gov; Don Renchie Ph. D. (d-renchie@tamu.edu) <d-renchie@tamu.edu>; ja-hurley@tamu.edu (ja-hurley@tamu.edu) <ja-hurley@tamu.edu>; Kevin Shelton (kevin.shelton@okstate.edu) <kevin.shelton@okstate.edu>; 'kim pope' <kpope@agcenter.lsu.edu>; Michael Merchant (m-merchant@tamu.edu) <m-merchant@tamu.edu>

Subject: FED court in SF tell EPA to revoke approval of widely used herbicide (Dicamba).....

US & WORLD // NATION

Federal court in SF tells EPA to revoke approval of widely used herbicide



Bob Egelko, June 3, 2020 Updated: June 3, 2020 8:40 p.m.

[Comments](#)



An employee works in the packing area of BASF's dicamba manufacturing facility in Beaumont, Texas.

Photo: Giuseppe Barranco / The Enterprise

A federal appeals court ordered the government on Wednesday to revoke its approval of the herbicide dicamba, which is used on tens of millions of acres of soybeans and cotton in farms across the nation but can damage crops that have not been bred to tolerate the chemical, as well as trees and plants that are accidentally exposed.

Dicamba, used for more than 50 years, "is an effective weed killer, but its toxicity is not limited to weeds," said the Ninth U.S. Circuit Court of Appeals in San Francisco. It said the Environmental Protection Agency overstated the protections used by the product's manufacturers and customers, and understated the resulting environmental and economic damage, when it granted the manufacturers a two-year license in October 2018 for a new version of the herbicide to be sprayed on genetically modified soybeans and cotton.

The ruling comes after a federal jury in Missouri, in a separate case, awarded \$15 million in economic damages and \$250 million in punitive damages in February to a peach farmer who said he was being forced out of business because of damage from the herbicide.

Dicamba is manufactured by Monsanto Co. — which sells it as XtendiMax — and by DuPont's successor company, Corteva, and BASF. The lawsuit by environmental and food-safety advocates originally challenged the two-year license the companies obtained from the EPA in 2016 under President Barack Obama, but no ruling was issued before the 2018 renewal under the Trump administration.

In the meantime, the manufacturers had begun marketing a new version that could be applied to soybeans and cotton that had been genetically modified to tolerate the herbicide. That development allowed for greatly expanded use of dicamba, formerly sprayed only for soil-clearing because of its tendency to drift or vaporize and spread to unintended fields.

Related Stories



POLITICS

BY TAL KOPAN

Trump EPA's targeting of SF pollution may bring investigation



ENVIRONMENT

BY BOB EGEKCO

California sues EPA for suspending pollution enforcement

US & WORLD

BY PETER FIMRITE

Top EPA official in California says firing was ‘100%...

The EPA’s approval came with intended safeguards: Dicamba could be sprayed only one hour before sunrise or two hours before sunset, and only in specified wind and weather conditions. But the court said the standards were often ignored, and the EPA, in its 2018 approval, failed to acknowledge the risks posed by the herbicide.

The agency overlooked “anti-competitive economic effects in the soybean and cotton industries,” Judge William Fletcher said in the 3-0 ruling. He said indiscriminate use of dicamba, allowing it to spread to fields with crops that cannot survive it, have “torn apart the social fabric of many farming communities.”

Fletcher said the court was legally compelled to order the registration revoked even though many farmers “may have trouble finding effective and legal herbicides to protect their DT (dicamba-tolerant) crops.”

Attorney George Kimbrell of the Center for Food Safety, a nonprofit that took part in the suit, said the ruling was “a massive victory for farmers, the environment, and the rule of law. And a day of reckoning for Monsanto and the Trump administration.”

Bayer, Monsanto’s parent company, criticized the ruling.

“The EPA’s informed science-based decision reaffirms that this tool is vital for growers and does not pose any unreasonable risks of off-target movement when used according to label directions,” the company said.

Bob Egelko is a San Francisco Chronicle staff writer. Email: begelko@sfchronicle.com Twitter: [@BobEgelko](https://twitter.com/BobEgelko)

From: Vela, Austin <Vela.Austin@epa.gov>
Sent: Thursday, June 4, 2020 8:47 AM
To: R6Press <R6Press@epa.gov>
Subject: Daily News Digest, Thursday, June 4

region6news

Thursday, June 04, 2020

Arkansas, Louisiana, New Mexico, Oklahoma, Texas, and 66 Tribal Nations

****Please note: Articles requiring a subscription are available in the attached PDF.***

****To receive the Daily News Digest in your inbox, email R6Press@epa.gov.***

National

1 — People stuck at home recycle more, Greenwire, 6/3/20

<https://www.eenews.net/greenwire/2020/06/03/stories/1063309089>

As they stay at home, people are recycling more during the coronavirus pandemic, according to a recycling nonprofit. Curbside recyclers nationwide are seeing an increase in material "on the order of 10% to 15%," said Scott Mouw, a senior director at the Recycling Partnership, based in Falls Church, Va.

2 — Committee approves National Science Foundation pick, Greenwire, 6/3/20

<https://www.eenews.net/greenwire/2020/06/02/stories/1063300635>

The Senate Health, Education, Labor and Pensions Committee confirmed President Trump's nominee to head the National Science Foundation this morning. The president tapped Sethuraman Panchanathan, a computer scientist and chief research and innovation officer at Arizona State University, for the NSF director role last year.

3 — Federal court in SF tells EPA to revoke approval of widely used herbicide, San Francisco Chronicle, 6/3/20

<https://www.sfchronicle.com/nation/article/Federal-court-in-SF-tells-EPA-to-revoke-approval-15315636.php>

A federal appeals court ordered the government on Wednesday to revoke its approval of the herbicide dicamba, which is used on tens of millions of acres of soybeans and cotton in farms across the nation but can damage crops that have not been bred to tolerate the chemical, as well as trees and plants that are accidentally exposed.

4 — EPA Warns Against Potentially False and Misleading COVID-19 Disinfectant Claims, National Law Review, 6/3/20

<https://www.natlawreview.com/print/article/epa-warns-against-potentially-false-and-misleading-covid-19-disinfectant-claims>

A consumer advisory issued on June 1, 2020 by the United States Environmental Protection Agency (EPA) clarifies which hard-surface disinfectant products may legally make claims regarding expected efficacy against the COVID-19 virus. The advisory, titled "What You Need to Know Regarding Products Making Claims to Kill the Coronavirus Causing COVID-19," also warns retailers of potential enforcement actions if they sell non-compliant products.

5 — EPA considers 'flexibilities and payment options' for TSCA fees, Chemical Watch, 6/4/20

<https://chemicalwatch.com/122840/epa-considers-flexibilities-and-payment-options-for-tsca-fees>

The US EPA is considering extending the deadline for industry to pay \$27m in fees associated with the TSCA risk evaluation of 20 high-priority chemicals, a move trade associations have argued is necessary due to the financial uncertainty caused by the Covid-19 pandemic.

6 — EPA Must Update Oil Spill Response Plan to Avoid Toxins, Bloomberg, 6/3/20

<https://www.eenews.net/greenwire/2020/06/02/stories/1063300635>

The Environmental Protection Agency has a clear, non-discretionary duty under the Clean Water Act to update its National Contingency Plan for addressing oil spills, a California federal court said in a ruling denying the agency's motion to dismiss.

7 — Feinstein, Rubio push financial regulator on climate risk, E&E News, 6/4/20

<https://www.eenews.net/eedaily/2020/06/04/stories/1063312487>

Sens. Marco Rubio (R-Fla.) and Dianne Feinstein (D-Calif.) want to know how financial regulators can better prepare for climate risk as part of a forthcoming report from the Commodity Futures Trading Commission (CFTC).

Texas

8 — Complexities noted in waste pits report, Baytown Sun, 6/4/20

http://baytownsun.com/news/article_7a827318-a612-11ea-96ca-03dad3458f19.html

Remediating the hazardous materials from the San Jacinto River Waste Pits has complexities, but things are progressing despite the COVID-19 pandemic, according to overseers of the project. Jacquelyn Medcalf, Texas Health and Environment Alliance executive director, hosted another virtual town hall meeting for THEA members.

9 — Area company wins EPA contract for groundwater work, Dayton Daily News, 6/3/20

<https://www.daytondailynews.com/business/area-company-wins-epa-contract-for-groundwater-work/yvVgFjNVXXf3OLhDEeIPN/>

An Englewood engineering company is among nine small companies that have won \$3 million to help commercialize environmental technologies. The U.S. Environmental Protection Agency (EPA) announced \$3 million in funding for the businesses, including Faraday Technology, Inc., in Englewood, to develop and commercialize technologies focused on clean and safe water, air quality monitoring, land revitalization, sustainable materials management and other uses.

Arkansas

10 — Board approves decontamination machine, Arkansas News, 6/4/20

<https://www.arkansasnews.com/news/20200604/board-approves-decontamination-machine>

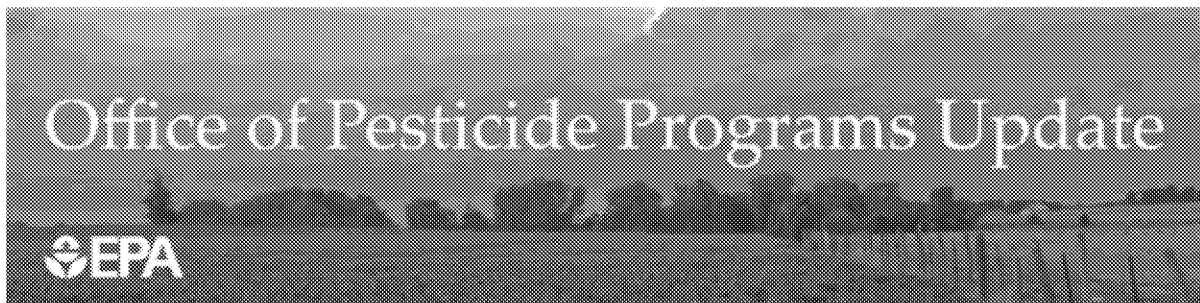
Fort Smith Fire Chief Phil Christensen presented an ordinance at the city's Board of Directors meeting Tuesday that would fund the purchase of a hypochlorous acid (HOCl) generator in order to combat the spread of COVID-19. The board unanimously approved the request.

Austin Vela
Congressional Liaison Specialist
U.S. Environmental Protection Agency, Region 6
Office: 214-665-9792



From: U.S. EPA Office of Chemical Safety and Pollution Prevention [oppt.epa@public.govdelivery.com]
Sent: 10/27/2020 10:09:46 PM
To: Messina, Edward [Messina.Edward@epa.gov]
Subject: Pesticide Program Update: EPA Announces 2020 Dicamba Registration Decision

Having trouble viewing this email? [View it as a Web page.](#)



EPA Announces 2020 Dicamba Registration Decision

Today, U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler announced that EPA is approving new five-year registrations for two dicamba products and extending the registration of an additional dicamba product. All three registrations include new control measures to ensure these products can be used effectively while protecting the environment, including non-target plants, animals, and other crops not tolerant to dicamba.

“With today’s decision, farmers now have the certainty they need to make plans for their 2021 growing season,” **said EPA Administrator Andrew Wheeler.** “After reviewing substantial amounts of new information, conducting scientific assessments based on the best available science, and carefully considering input from stakeholders we have reached a resolution that is good for our farmers and our environment.”

Through today’s action, EPA approved new registrations for two “over-the-top” (OTT) dicamba products—XtendiMax with VaporGrip Technology and Engenia Herbicide—and extended the registration for an additional OTT dicamba product, Tavium Plus VaporGrip Technology. These registrations are only for use on dicamba-tolerant (DT) cotton and soybeans and will expire in 2025, providing certainty to American agriculture for the upcoming growing season and beyond.

To manage off-site movement of dicamba, EPA’s 2020 registration features important control measures, including:

- Requiring an approved pH-buffering agent (also called a Volatility Reduction Agent or VRA) be tank mixed with OTT dicamba products prior to all applications to control volatility.

- Requiring a downwind buffer of 240 feet and 310 feet in areas where listed species are located.
- Prohibiting OTT application of dicamba on soybeans after June 30 and cotton after July 30.
- Simplifying the label and use directions so that growers can more easily determine when and how to properly apply dicamba.

The 2020 registration labels also provide new flexibilities for growers and states. For example, there are opportunities for growers to reduce the downwind spray buffer for soybeans through use of certain approved hooded sprayers as an alternative control method. EPA also recognizes and supports the important authority [FIFRA section 24](#) gives the states for issuing locally appropriate regulations for pesticide use. If a state wishes to expand the federal OTT uses of dicamba to better meet special local needs, the agency will work with them to support their goals.

This action was informed by input from state regulators, grower groups, academic researchers, pesticide manufacturers, and others. EPA reviewed substantial amounts of new information and conducted assessments based on the best available science, including making Effect Determinations under the Endangered Species Act (ESA). With this information and input, EPA has concluded that these registration actions meet Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) registration standards. EPA believes that these new analyses address the concerns expressed in regard to EPA's 2018 dicamba registrations in the June 2020 U.S. Court of Appeals for the Ninth Circuit. Further, EPA concluded that with the control measures now required on labels, these actions either do not affect or are not likely to adversely affect endangered or threatened species.

To view the final registration of the dicamba products, visit docket EPA-HQ-OPP-2020-0492 at www.regulations.gov.

Background

The United States is the world's leading soybean producer and second-leading soybean exporter and also serves as the world's third-largest cotton producer and the leading cotton exporter. Today, there are limited cost-effective options to control herbicide-resistant weeds affecting these commodities. In 2018, approximately 41 percent of U.S. soybean acreage was planted with dicamba-tolerant (DT) seed and almost 70 percent of U.S. cotton acreage was planted with DT seed in 2019. Relative to alternative herbicide programs, postemergence dicamba may reduce weed control costs for some growers, possibly by as much as \$10 per acre, or over five percent of net operating revenue, not accounting for all measures growers will have to take to control off-field movement of dicamba.

Following reports of damage resulting from the off-site movement of dicamba, EPA amended the dicamba registration labels in 2017 and [in 2018](#). In June 2020, the U.S. Court of Appeals for the Ninth Circuit vacated the registrations for three dicamba products: XtendiMax with VaporGrip Technology, Engenia Herbicide, and DuPont FeXapan Herbicide. As a result of the Court's decision, EPA [issued cancellation orders](#) outlining limited circumstances under which existing stocks of the three affected products could be distributed and used until July 31, 2020.



You can unsubscribe or update your subscriptions or e-mail address at any time on your [Subscriber Preferences Page](#). All you will need is your e-mail address. If you have any questions or problems, please e-mail subscriberhelp.govdelivery.com for assistance.

This service is provided to you at no charge by the U.S. Environmental Protection Agency.

Follow us on Twitter at @EPACChemSafety.

This email was sent to messina.edward@epa.gov using GovDelivery Communications Cloud on behalf of: U.S. EPA Office of Chemical Safety and Pollution Prevention · 707 17th St, Suite 4000 · Denver, CO 80202 · 1-800-439-1420



Message

From: Messina, Edward [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=95521FBF4E34496A879E364FAF7E5AA8-MESSINA, EDWARD]
Sent: 9/8/2020 7:19:27 PM
To: Grable, Melissa [Grable.Melissa@epa.gov]
Subject: FW: draft weekly summaries for this week's dicamba registrant meetings
Attachments: OPP General Agenda 9-8-20.docx

Ed Messina, Esq.
Acting Office Director
Office of Pesticide Programs
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
p: (703) 347-0209

From: Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Sent: Tuesday, September 08, 2020 3:19 PM
To: Messina, Edward <Messina.Edward@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>
Cc: Bolen, Derrick <bolen.derrick@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Fischer, David <Fischer.David@epa.gov>; Dekleva, Lynn <dekleva.lynn@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>; Brown, KendraR <Brown.KendraR@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: RE: draft weekly summaries for this week's dicamba registrant meetings

Darlene Dinkins
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5214

From: Messina, Edward <Messina.Edward@epa.gov>
Sent: Tuesday, September 08, 2020 3:11 PM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>
Cc: Bolen, Derrick <bolen.derrick@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Fischer, David <Fischer.David@epa.gov>; Dekleva, Lynn <dekleva.lynn@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>; Brown, KendraR <Brown.KendraR@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: FW: draft weekly summaries for this week's dicamba registrant meetings

Dicamba team notes. And Agenda

Ed Messina, Esq.
Acting Office Director
Office of Pesticide Programs
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
p: (703) 347-0209

From: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Sent: Tuesday, September 08, 2020 7:23 AM
To: Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Cc: Layne, Arnold <Layne.Arnold@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Subject: FW: draft weekly summaries for this week's dicamba registrant meetings

Ed/Mike – Here are the weekly summaries from the dicamba meetings last week. Please share with Alex and others as appropriate. Let us know if you have any questions.

Marietta

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Friday, September 4, 2020 1:29 PM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Cc: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>
Subject: draft weekly summaries for this week's dicamba registrant meetings

Hello Marietta:

Here are my weekly summaries for this week's dicamba registrant meetings for your consideration. I've also attached an updated running list of all the meeting summaries so far.

Thank you,
Meg

9/2 EPA-BASF Technical Issues Meeting on Dicamba: On September 2, 2020, OPP staff led by EFED held a MS Teams meeting with representatives from BASF regarding various technical issues relating to OPP's 2020 assessment of dicamba. This week's conversation featured a presentation by BASF on their company's humidome data for BAS 183 35 H, the proprietary buffering agent that BASF is proposing as one option for a required tank mix additive as part of the company's 2020 proposal to reinstate the now-vacated dicamba OTT use product: Engenia. Limited time was left for team discussion, but the group agreed to a list of follow-up items BASF will provide to OPP in order to address various technical questions EFED had on BASF's presentation. BASF remains enthusiastic about holding future conversations to address any addition questions from OPP.

9/2 EPA-Bayer Technical Issues Meeting on Dicamba: On September 2, 2020, OPP staff led by EFED held a MS Teams meeting with representatives from Bayer regarding various technical issues relating to OPP's 2020 assessment of dicamba. This week's conversation featured a response from Bayer on EPA's questions last week regarding how Bayer calculated their proposed 250 ft. downwind buffer, an update from Bayer on their 60-day results from a still-ongoing Tier II study on the effects of dicamba on various tree species, and a response from Bayer to questions posed by EPA on 8/19/20 regarding runoff. During discussion of the woody species data, Bayer stated that the effects of dicamba on the tested tree species is less than that on soybeans, and asked EPA whether they wished for Bayer to terminate the study now or continue for an additional 30 days as was done in for the Tier I study. EPA indicated that they would need to discuss

internally, but reminded Bayer that EPA's concern was not whether dicamba effects on tree species were less than those on soybeans, which are known to be extremely sensitive to dicamba exposure, but the magnitude of impact on the tree species themselves.

Additionally, this week Bayer also submitted additional data to EPA responding to a request from last week to provide pH data associated with Bayer's dicamba humidome testing.

9/3 EPA-BASF-Syngenta Label Mitigation Meeting on Dicamba: On September 3, 2020, OPP staff led by RD held a MS Teams meeting with BASF to discuss mitigation proposals relating to OPP's 2020 assessment of dicamba. This week, various mitigation measures not included in Bayer's own mitigation proposal were discussed, such as temperature restrictions and tank mixing restrictions. BASF has already proposed a calendar cutoff date of June 30th for dicamba OTT uses, increasing the previous 110-foot downwind buffer distance to 220 feet, mandating tank mixing with a pH buffering agent, and reorganizing the label for clearer readability. BASF confirmed its preference for a single national calendar cutoff date rather than multiple, region-based cutoff dates, but is open to hearing proposals from EPA on this topic if more specifics are provided. BASF does not support prohibiting tank mixtures of multiple pesticides (glyphosate, in particular, is known to lower the pH of dicamba tank mixes, increasing the possibility of volatilization), as they view this as unenforceable. Finally, BASF indicated that they would consider an EPA suggestion to propose a registration only for dicamba OTT uses, rather than both pre-emergent and OTT uses. BASF thanked EPA for the conversation and believes that our objectives are aligned. BASF is willing to meet with EPA with the other registrants.

Note: Following this meeting, on 9/4/2020 BASF contacted EPA and confirmed that BASF agrees to have a separate registration for OTT. They intend to request another registration for preemergence use, including on DT seeds. The other registration would also have a different trade name.

9/3 EPA-Bayer Label Mitigation Meeting on Dicamba: On September 3, 2020, OPP staff led by RD held a MS Teams meeting with Bayer to further discuss Bayer's mitigation proposal for dicamba OTT uses being considered in 2020. This week, various mitigation measures not included in Bayer's own mitigation proposal were discussed, such as temperature and calendar cutoff restrictions.

Ex. 4 CBI

Ex. 4 CBI

In addition to discussing VGX, the group also talked about the possibility of restricting OTT applications to one per year. Bayer said they would consider this mitigation proposal in the case of soybeans but are more hesitant in the case of cotton.

**ALL CONTENTS AND ATTACHMENTS TO THIS EMAIL CORRESPONDENCE ARE TO BE CONSIDERED
DRAFT/INTERNAL/DELIBERATIVE ONLY, NOT TO BE SHARED UNLESS SPECIFICALLY AND EXPLICITLY STATED**

Message

From: Messina, Edward [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=95521FBF4E34496A879E364FAF7E5AA8-MESSINA, EDWARD]
Sent: 9/11/2020 10:00:08 PM
To: Perrin, Rebecca [Perrin.Rebecca@epa.gov]
Subject: RE: Couple of quick questions

np

Ed Messina, Esq.
Acting Office Director
Office of Pesticide Programs
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
p: (703) 347-0209

From: Perrin, Rebecca <Perrin.Rebecca@epa.gov>
Sent: Friday, September 11, 2020 5:59 PM
To: Messina, Edward <Messina.Edward@epa.gov>
Subject: RE: Couple of quick questions

Thank you. REALLY appreciate this. Sorry again for the short notice.

Rebecca Perrin
Region 8 Agriculture Advisor | Office of the Regional Administrator | USEPA
1595 Wynkoop Street (8ORA-IO) | Denver CO 80202 | DL: 303-312-6311 | FAX: 303-312-6882

From: Messina, Edward <Messina.Edward@epa.gov>
Sent: Friday, September 11, 2020 3:54 PM
To: Perrin, Rebecca <Perrin.Rebecca@epa.gov>
Cc: Striegel, Megan <Striegel.Megan@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>
Subject: RE: Couple of quick questions

- Dicamba – We have been informed that they will be asked question on live radio about this topic next week. I wanted to check in and see if we can get the most recent desk statement or if the best info to speak from is still the press releases.
- **RESPONSE:** EPA is currently reviewing applications for registration from Bayer CropScience and BASF for new registrations of dicamba-based herbicides for over-the-top application for post-emergent use on genetically modified, dicamba-tolerant (“DT”) soybeans and cotton. Similarly, EPA is also reviewing an application from Syngenta to remove or revise the expiration of its registration for an over-the-top application onto DT soybeans and cotton to allow its use in the 2021 growing season. EPA expects to announce its decisions on whether to register/renew the products by the end of October.

EPA will have to determine, based on new studies, data and proposed labels, whether the registration applications are sufficient to overcome the deficits identified by the Ninth Circuit in vacating the

previous Bayer and BASF registrations.

Background

On June 3, 2020, the Ninth Circuit Court of Appeals issued an order vacating EPA's pesticide registrations containing the active ingredient dicamba: Xtendimax with VaporGrip Technology (Bayer product with former EPA Reg. No. 524-617); Engenia – (BASF product with former EPA Reg. No. 7969-345); and FeXapan – (Dupont/Corteva product with former EPA Reg. No. 352-913). These three registrations had been conditional and would have expired in late 2020.

On June 8, 2020, EPA issued a cancellation order providing farmers and distributors with needed clarity following the Ninth Circuit's decision. The order outlined limited and specific circumstances under which existing stocks of the three affected dicamba products could be distributed and used, through July 31, 2020.

Bayer and BASF have submitted applications for new registrations, but to date, Corteva has not. The registration for Syngenta's product Tavium (EPA Reg. No. 100-1623) was not vacated by the court but still expires in late 2020.

The Ninth Circuit found that EPA had made multiple errors in granting the conditional registrations: substantially understating the risks it acknowledged and entirely failing to acknowledge other risks.

- The last info I saw about Plant Regulators and Biostimulants proposed guidance was that the comment period closed in July 2019. Are we still reviewing feedback? Or did we do a soft release and I missed something? Do we plan to announce anything related to this while Carrie and Greg (R8 RA) are in ND next week?
 - **RESPONSE:** EPA will be releasing a revised draft biostimulants guidance for public comment based on input received during the comment period earlier this year. Internal: Probably December.
- Are there 36 EPA registered products for hemp? I know our website is in the process of being updated but I keep seeing this # in news articles and I wanted to know if it was true.
 - **RESPONSE:** 46 <https://www.epa.gov/pesticide-registration/pesticide-products-registered-use-hemp#:~:text=In%20December%202019%2C%20EPA%20approved,one%20is%20a%20conventional%20pesticide>
- Regarding the WPS proposed AEZ revision, the last briefing paper I saw on this was that we were targeting Sept 2020 for finalization of the AEZ changes. Is that still the case? If not, are we thinking fall 2020? Winter 2020? Something entirely different?
 - **RESPONSE:** Please note timing has not been made public. The AEZ final rule was submitted to OMB for Executive Order 12866 Regulatory Review on July 31, 2020 (<https://www.reginfo.gov/public/do/eoDetails?rrid=130951>), and will be undergoing review up to 90 days. EPA anticipates publication in the Federal Register this fall. The final rule will go into effect 60 days after publication.
- Do you have recent talking points or desk statement related to the COVID-19 and C&T memo below? Carrie and Greg are meeting with ND Ag Commissioner Doug Goehring. I want to make sure we are communicating how you want on this topic. https://www.epa.gov/sites/production/files/2020-07/documents/covid-19-ocspp-pesticide-ct-statement_2020-07-27.pdf.
 - **RESPONSE:** In July 2020, EPA released temporary guidance regarding the certification of pesticide applicators of restricted use pesticides that offers flexibility during the COVID-19 public health emergency. The Agency is aware that state, tribal and federal certifying authorities may need to make temporary changes to their existing pesticide applicator certification programs during this time. Given

the evolving circumstances and the urgency involved, EPA determined that certain temporary changes to their programs should be preapproved and may be implemented provided that they are not likely to significantly diminish applicator competence or undermine future certification activities and all conditions are met. There are conditions in order to make the changes, and a state would need to notify EPA of the changes by Dec. 31, 2020, as part of the annual reporting for their certification program.

Changes are

- effective until no later than Dec. 31, 2021.
- revocable up to 90 days.
- consistent with pesticide labeling and 40 CFR 171.

Changes may not

- significantly diminish applicator competency.
- undermine future certification activities.

No pre-approval required if conditions met but SLAs must notify EPA in annual report due Dec. 31, 2020. (See guidance for information to report.)

As an FYI, since release of the memo, HQ (OPP) has had meetings with co-regulators/state partners: AAPSE, AAPCO BOD, PREP for the state enforcement - where we generally went over the memo and answered questions.

More info and full policy linked here: <https://www.epa.gov/pesticides/epa-releases-temporary-guidance-regarding-certification-pesticide-applicators-during>

Ed Messina, Esq.
Acting Office Director
Office of Pesticide Programs
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
p: (703) 347-0209

From: Perrin, Rebecca <Perrin.Rebecca@epa.gov>
Sent: Thursday, September 10, 2020 3:01 PM
To: Messina, Edward <Messina.Edward@epa.gov>

Cc: Striegel, Megan <Striegel.Megan@epa.gov>

Subject: RE: Couple of quick questions

I can share the last thing I had on dicamba the rest are just questions that I am hoping someone knows the answer off the top of their head. Thanks and sorry for the last minute request on some of these clarification questions.

Rebecca Perrin

Region 8 Agriculture Advisor | Office of the Regional Administrator | USEPA

1595 Wynkoop Street (8ORA-IO) | Denver CO 80202 | DL: 303-312-6311 | FAX: 303-312-6882

From: Messina, Edward <Messina.Edward@epa.gov>

Sent: Thursday, September 10, 2020 12:49 PM

To: Perrin, Rebecca <Perrin.Rebecca@epa.gov>

Cc: Striegel, Megan <Striegel.Megan@epa.gov>

Subject: RE: Couple of quick questions

ok

Ed Messina, Esq.

Acting Office Director

Office of Pesticide Programs

Office of Chemical Safety & Pollution Prevention

U.S. Environmental Protection Agency

Washington, D.C.

p: (703) 347-0209

From: Perrin, Rebecca <Perrin.Rebecca@epa.gov>

Sent: Thursday, September 10, 2020 2:02 PM

To: Messina, Edward <Messina.Edward@epa.gov>

Cc: Striegel, Megan <Striegel.Megan@epa.gov>

Subject: RE: Couple of quick questions

As soon as you could get it to us, but let us know if you need more time and we will sort it out. Not looking for new materials just the most recent.

Rebecca Perrin

Region 8 Agriculture Advisor | Office of the Regional Administrator | USEPA

1595 Wynkoop Street (8ORA-IO) | Denver CO 80202 | DL: 303-312-6311 | FAX: 303-312-6882

From: Messina, Edward <Messina.Edward@epa.gov>

Sent: Thursday, September 10, 2020 11:34 AM

To: Perrin, Rebecca <Perrin.Rebecca@epa.gov>

Cc: Striegel, Megan <Striegel.Megan@epa.gov>

Subject: RE: Couple of quick questions

When do you need these?

Ed Messina, Esq.
Acting Office Director
Office of Pesticide Programs
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
p: (703) 347-0209

From: Perrin, Rebecca <Perrin.Rebecca@epa.gov>
Sent: Thursday, September 10, 2020 1:31 PM
To: Messina, Edward <Messina.Edward@epa.gov>
Cc: Striegel, Megan <Striegel.Megan@epa.gov>
Subject: Couple of quick questions
Importance: High

Ed,

I apologize for the last minute nature of this request but I have a few questions I needed some clarification on so Greg and Carrie know the most recent status on these items.

- Dicamba – We have been informed that they will be asked question on live radio about this topic next week. I wanted to check in and see if we can get the most recent desk statement or if the best info to speak from is still the press releases.
- The last info I saw about Plant Regulators and Biostimulants proposed guidance was that the comment period closed in July 2019. Are we still reviewing feedback? Or did we do a soft release and I missed something? Do we plan to announce anything related to this while Carrie and Greg (R8 RA) are in ND next week?
- Are there 36 EPA registered products for hemp? I know our website is in the process of being updated but I keep seeing this # in news articles and I wanted to know if it was true.
- Regarding the WPS proposed AEZ revision, the last briefing paper I saw on this was that we were targeting Sept 2020 for finalization of the AEZ changes. Is that still the case? If not, are we thinking fall 2020? Winter 2020? Something entirely different?
- Do you have recent talking points or desk statement related to the COVID-19 and C&T memo below? Carrie and Greg are meeting with ND Ag Commissioner Doug Goehring. I want to make sure we are communicating how you want on this topic. https://www.epa.gov/sites/production/files/2020-07/documents/covid-19-ocspp-pesticide-ct-statement_2020-07-27.pdf.

Thanks.

Rebecca Perrin
Region 8 Agriculture Advisor | Office of the Regional Administrator | USEPA
1595 Wynkoop Street (8ORA-IO) | Denver CO 80202 | DL: 303-312-6311 | FAX: 303-312-6882

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

ED_005570D_00087359-00005

Message

From: Messina, Edward [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=95521F4E34496A879E364FAF7E5AA8-MESSINA, EDWARD]
Sent: 6/10/2020 12:03:49 AM
To: Teter, Royan [Teter.Royan@epa.gov]; Diana Saenz [Saenz.Diana@epa.gov]; Liz Vizard (Vizard.Elizabeth@epa.gov) [Vizard.Elizabeth@epa.gov]
Subject: FW: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

fyi

Ed Messina, Esq.
Deputy Office Director (Programs)
Office of Pesticide Programs
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
p: (703) 347-0209

From: Keigwin, Richard <Keigwin.Richard@epa.gov>
Sent: Tuesday, June 09, 2020 12:28 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Messina, Edward <Messina.Edward@epa.gov>
Subject: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

Just wanted to bring this to your attention. I know OECA wasn't involved in the drafting, but we may need some input from OCE as we respond to questions about what types of activities constitute sale and distribution under FIFRA.



EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

WASHINGTON (June 8, 2020) — Today, the U.S. Environmental Protection Agency (EPA) issued a key order providing farmers with needed clarity following the Ninth Circuit Court of Appeals' June 3, 2020 vacatur of three dicamba registrations. Today's [cancellation order](#) outlines limited and specific circumstances under which existing stocks of the three affected dicamba products can be used for a limited period of time. EPA's order will advance protection of public health and the environment by ensuring use of existing stocks follows important application procedures.

"At the height of the growing season, the Court's decision has threatened the livelihood of our nation's farmers and the global food supply," **said EPA Administrator Andrew Wheeler**. "Today's cancellation and existing stocks order is consistent with EPA's standard practice following registration invalidation, and is designed to advance compliance, ensure regulatory certainty, and to prevent the misuse of existing stocks."

EPA's order will mitigate some of the devastating economic consequences of the Court's decision for growers, and particularly rural communities, at a time they are experiencing great stress due to the COVID-19 public health emergency.

Details of the Order

EPA's order addresses sale, distribution, and use of existing stocks of the three affected dicamba products - XtendiMax with vapor grip technology, Engenia, and FeXapan.

1. Distribution or sale by any person is generally prohibited except for ensuring proper disposal or return to the registrant.
2. Growers and commercial applicators may use existing stocks that were in their possession on June 3, 2020, the effective date of the Court decision. Such use must be consistent with the product's previously-approved label, and may not continue after July 31, 2020.

Background

On June 3, 2020, the Ninth Circuit Court of Appeals issued an order vacating EPA's pesticide registrations containing the active ingredient dicamba: Xtendimax with Vaporgrip Technology (EPA Reg. No. 524-617); Engenia - (EPA Reg. No. 7969-345); and FeXapan - (EPA Reg. No. 352-913).

Dicamba is a valuable pest control tool that farmers nationwide planned to use during the 2020 growing season. Since the Court issued its opinion, the agency has been overwhelmed with letters and calls from farmers citing the devastation of this decision on the millions of acres of crops, millions of dollars already invested by farmers, and threat to America's food supply.

Please let me know if any questions. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753 (o)
202-591-0619 (c)

Message

From: Messina, Edward [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=95521FBF4E34496A879E364FAF7E5AA8-MESSINA, EDWARD]
Sent: 6/8/2020 11:58:58 PM
To: Teter, Royan [Teter.Royan@epa.gov]; Saenz, Diana [Saenz.Diana@epa.gov]; Vizard, Elizabeth [Vizard.Elizabeth@epa.gov]
Subject: Fwd: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

Ed Messina, Esq.
Deputy Office Director (Programs)
Office of Pesticide Programs
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
p: (703) 347-0209

Begin forwarded message:

From: "Kaiser, Sven-Erik" <Kaiser.Sven-Erik@epa.gov>
Date: June 8, 2020 at 7:46:27 PM EDT
Subject: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations



EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

WASHINGTON (June 8, 2020) — Today, the U.S. Environmental Protection Agency (EPA) issued a key order providing farmers with needed clarity following the Ninth Circuit Court of Appeals' June 3, 2020 vacatur of three dicamba registrations. Today's [cancellation order](#) outlines limited and specific circumstances under which existing stocks of the three affected dicamba products can be used for a limited period of time. EPA's order will advance protection of public health and the environment by ensuring use of existing stocks follows important application procedures.

"At the height of the growing season, the Court's decision has threatened the livelihood of our nation's farmers and the global food supply," **said EPA Administrator Andrew Wheeler**. "Today's cancellation and existing stocks order is consistent with EPA's standard practice following registration invalidation, and is designed to advance compliance, ensure regulatory certainty, and to prevent the misuse of existing stocks."

EPA's order will mitigate some of the devastating economic consequences of the Court's decision for growers, and particularly rural communities, at a time they are experiencing great stress due to the COVID-19 public health emergency.

Details of the Order

EPA's order addresses sale, distribution, and use of existing stocks of the three affected dicamba products - XtendiMax with vapor grip technology, Engenia, and FeXapan.

1. <!--[if !supportLists]--><!--[endif]--> Distribution or sale by any person is generally prohibited except for ensuring proper disposal or return to the registrant.
2. <!--[if !supportLists]--><!--[endif]--> Growers and commercial applicators may use existing stocks that were in their possession on June 3, 2020, the effective date of the Court decision. Such use must be consistent with the product's previously-approved label, and may not continue after July 31, 2020.

Background

On June 3, 2020, the Ninth Circuit Court of Appeals issued an order vacating EPA's pesticide registrations containing the active ingredient dicamba: Xtendimax with Vaporgrip Technology (EPA Reg. No. 524-617); Engenia - (EPA Reg. No. 7969-345); and FeXapan - (EPA Reg. No. 352-913).

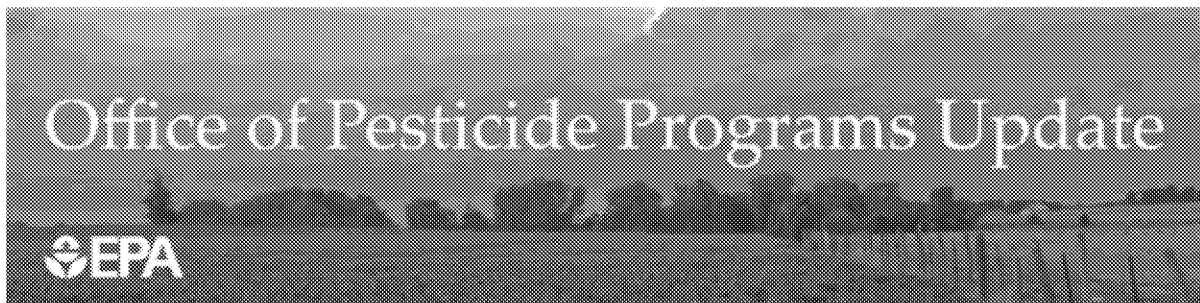
Dicamba is a valuable pest control tool that farmers nationwide planned to use during the 2020 growing season. Since the Court issued its opinion, the agency has been overwhelmed with letters and calls from farmers citing the devastation of this decision on the millions of acres of crops, millions of dollars already invested by farmers, and threat to America's food supply.

Please let me know if any questions. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753 (o)
202-591-0619 (c)

From: U.S. EPA Office of Chemical Safety and Pollution Prevention [oppt.epa@public.govdelivery.com]
Sent: 10/27/2020 10:09:34 PM
To: Miller, Wynne [Miller.Wynne@epa.gov]
Subject: Pesticide Program Update: EPA Announces 2020 Dicamba Registration Decision

Having trouble viewing this email? [View it as a Web page.](#)



EPA Announces 2020 Dicamba Registration Decision

Today, U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler announced that EPA is approving new five-year registrations for two dicamba products and extending the registration of an additional dicamba product. All three registrations include new control measures to ensure these products can be used effectively while protecting the environment, including non-target plants, animals, and other crops not tolerant to dicamba.

“With today’s decision, farmers now have the certainty they need to make plans for their 2021 growing season,” **said EPA Administrator Andrew Wheeler.** “After reviewing substantial amounts of new information, conducting scientific assessments based on the best available science, and carefully considering input from stakeholders we have reached a resolution that is good for our farmers and our environment.”

Through today’s action, EPA approved new registrations for two “over-the-top” (OTT) dicamba products—XtendiMax with VaporGrip Technology and Engenia Herbicide—and extended the registration for an additional OTT dicamba product, Tavium Plus VaporGrip Technology. These registrations are only for use on dicamba-tolerant (DT) cotton and soybeans and will expire in 2025, providing certainty to American agriculture for the upcoming growing season and beyond.

To manage off-site movement of dicamba, EPA’s 2020 registration features important control measures, including:

- Requiring an approved pH-buffering agent (also called a Volatility Reduction Agent or VRA) be tank mixed with OTT dicamba products prior to all applications to control volatility.

- Requiring a downwind buffer of 240 feet and 310 feet in areas where listed species are located.
- Prohibiting OTT application of dicamba on soybeans after June 30 and cotton after July 30.
- Simplifying the label and use directions so that growers can more easily determine when and how to properly apply dicamba.

The 2020 registration labels also provide new flexibilities for growers and states. For example, there are opportunities for growers to reduce the downwind spray buffer for soybeans through use of certain approved hooded sprayers as an alternative control method. EPA also recognizes and supports the important authority [FIFRA section 24](#) gives the states for issuing locally appropriate regulations for pesticide use. If a state wishes to expand the federal OTT uses of dicamba to better meet special local needs, the agency will work with them to support their goals.

This action was informed by input from state regulators, grower groups, academic researchers, pesticide manufacturers, and others. EPA reviewed substantial amounts of new information and conducted assessments based on the best available science, including making Effect Determinations under the Endangered Species Act (ESA). With this information and input, EPA has concluded that these registration actions meet Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) registration standards. EPA believes that these new analyses address the concerns expressed in regard to EPA's 2018 dicamba registrations in the June 2020 U.S. Court of Appeals for the Ninth Circuit. Further, EPA concluded that with the control measures now required on labels, these actions either do not affect or are not likely to adversely affect endangered or threatened species.

To view the final registration of the dicamba products, visit docket EPA-HQ-OPP-2020-0492 at www.regulations.gov.

Background

The United States is the world's leading soybean producer and second-leading soybean exporter and also serves as the world's third-largest cotton producer and the leading cotton exporter. Today, there are limited cost-effective options to control herbicide-resistant weeds affecting these commodities. In 2018, approximately 41 percent of U.S. soybean acreage was planted with dicamba-tolerant (DT) seed and almost 70 percent of U.S. cotton acreage was planted with DT seed in 2019. Relative to alternative herbicide programs, postemergence dicamba may reduce weed control costs for some growers, possibly by as much as \$10 per acre, or over five percent of net operating revenue, not accounting for all measures growers will have to take to control off-field movement of dicamba.

Following reports of damage resulting from the off-site movement of dicamba, EPA amended the dicamba registration labels in 2017 and [in 2018](#). In June 2020, the U.S. Court of Appeals for the Ninth Circuit vacated the registrations for three dicamba products: XtendiMax with VaporGrip Technology, Engenia Herbicide, and DuPont FeXapan Herbicide. As a result of the Court's decision, EPA [issued cancellation orders](#) outlining limited circumstances under which existing stocks of the three affected products could be distributed and used until July 31, 2020.



You can unsubscribe or update your subscriptions or e-mail address at any time on your [Subscriber Preferences Page](#). All you will need is your e-mail address. If you have any questions or problems, please e-mail subscriberhelp.govdelivery.com for assistance.

This service is provided to you at no charge by the U.S. Environmental Protection Agency.

Follow us on Twitter at @EPAChemSafety.

This email was sent to miller.wyrna@epa.gov using GovDelivery Communications Cloud on behalf of: U.S. EPA Office of Chemical Safety and Pollution Prevention · 707 17th St, Suite 4000 · Denver, CO 80202 · 1-800-439-1420



Message

From: Nesci, Kimberly [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=595346A8AF7F4753A47D24196F36ADE3-KIMBERLY A NESCI]
Sent: 10/1/2020 5:30:14 PM
To: Anderson, Neil [Anderson.Neil@epa.gov]; Kaul, Monisha [Kaul.Monisha@epa.gov]; Kiely, Timothy [Kiely.Timothy@epa.gov]
Subject: FW: Rep. Guest and 30+ members Dicamba Registration Letter
Attachments: 20.09.30 DICAMBA REGISTRATION LETTER.pdf; 09 17 2020 - Dicamba - Chairman Peterson RM Conaway.pdf

For sharing with the team. Thanks.

From: Goodis, Michael <Goodis.Michael@epa.gov>
Sent: Thursday, October 1, 2020 1:25 PM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Messina, Edward <Messina.Edward@epa.gov>
Subject: FW: Rep. Guest and 30+ members Dicamba Registration Letter

FYI

Michael L. Goodis, P.E.
Acting Deputy Director for Programs
Office of Pesticide Programs
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
703-308-8157

From: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Sent: Thursday, October 01, 2020 11:37 AM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Grable, Melissa <Grable.Melissa@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Subject: Rep. Guest and 30+ members Dicamba Registration Letter

Heads up on a new Dicamba letter. We'll enter it into CMS and control to OCSPP. Similar to the 9/17 House Ag letter. Thanks,
Sven

Sven-Erik Kaiser
Office of Congressional and Intergovernmental Relations
U.S. Environmental Protection Agency
202-566-2753
kaiser.sven-erik@epa.gov

From: White, Bubba <Joseph.WhiteIII@mail.house.gov>
Sent: Wednesday, September 30, 2020 3:49 PM
To: Washam, Todd <Washam.Todd@epa.gov>
Cc: Kolb, John (JohnMark) <kolb.john@epa.gov>; Solomon, Maya <Maya.Solomon@mail.house.gov>
Subject: Dicamba Registration Letter

Todd,

Please see the attached bipartisan letter to Administrator Wheeler from 32 members of Congress encouraging the issuance of new registrations for four dicamba products: Engenia®, Xtendimax®, FeXapan®, and Tavium®. We also support issuance of these registrations quickly and in simple, clear, and understandable language so that producers can make herbicide and seed purchasing decisions ahead of the 2021 crop year.

Please let us know if you have any questions. A hard copy has been put in the mail.

Best,
Bubba



Bubba White

Legislative Assistant

Rep. Michael Guest (MS-03)

202.226.8289 – Office

202.981-3106 – Cell

230 Cannon HOB

Washington, DC 20515



Sent: 3/30/2020 2:53:50 PM
To: Matuszko, Jan [Matuszko.Jan@epa.gov]
Subject: RE: Slides for Dicamba Bayer Teleconference Today at 10am

Ex. 5 Deliberative Process (DP)

From: Matuszko, Jan <Matuszko.Jan@epa.gov>
Sent: Monday, March 30, 2020 10:42 AM
To: Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>
Subject: Re: Slides for Dicamba Bayer Teleconference Today at 10am

Why don't they test this stuff in the areas that are having problems?

Sent from my iPhone

On Mar 30, 2020, at 10:18 AM, Odenkirchen, Edward <Odenkirchen.Edward@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

From: Matuszko, Jan <Matuszko.Jan@epa.gov>
Sent: Monday, March 30, 2020 10:17 AM
To: Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>
Subject: Re: Slides for Dicamba Bayer Teleconference Today at 10am

Ex. 5 Deliberative Process (DP) ?

Sent from my iPhone

On Mar 30, 2020, at 10:16 AM, Odenkirchen, Edward <Odenkirchen.Edward@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

From: Matuszko, Jan <Matuszko.Jan@epa.gov>
Sent: Monday, March 30, 2020 10:12 AM
To: Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>
Subject: Re: Slides for Dicamba Bayer Teleconference Today at 10am

Me too.

Sent from my iPhone

On Mar 30, 2020, at 10:10 AM, Odenkirchen, Edward
<Odenkirchen.Edward@epa.gov> wrote:

On the call right now, rather, skype I mean

From: Matuszko, Jan <Matuszko.Jan@epa.gov>
Sent: Monday, March 30, 2020 10:09 AM
To: Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>
Subject: FW: Slides for Dicamba Bayer Teleconference Today at 10am

FYI

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Monday, March 30, 2020 9:19 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel
<Rosenblatt.Dan@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>;
Meadows, Sarah <Meadows.Sarah@epa.gov>; Schmid, Emily
<Schmid.Emily@epa.gov>; Farruggia, Frank
<Farruggia.Frank@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>;
Wait, Monica <Wait.Monica@epa.gov>; Matuszko, Jan
<Matuszko.Jan@epa.gov>
Subject: Slides for Dicamba Bayer Teleconference Today at 10am

Good morning, all:
Here are the slides for our dicamba teleconference with Bayer, coming
up at 10am.

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Sunday, March 29, 2020 1:46 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Hi Meg,

Attached is a copy of the slides that will be covered on our call. Additional notes on the content of the slides are provided.

I sent an invite on Friday for our call. The invite includes the link to the Skype call (video and audio). You can forward the invite to your colleagues who will be attending. The link is also provided below. I will get on the call 10 minutes early (9:50 a.m.). If you can join few minutes early, we can test the connection.

Join Skype Meeting

Trouble Joining? [Try Skype Web App](#)

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations

<image001.png>

Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Sent: Friday, March 27, 2020 4:12 PM

To: George Sabbagh <george.sabbagh@bayer.com>

Cc: BCSReg_Archive <esepamailbox@bayer.com>

Subject: RE: Seeking your Input.

Hello George:

I've gotten direction that for our Monday meeting, my office would actually prefer if Bayer could set up the Skype meeting and provide connection information to EPA staff. Would that be possible? If so, you can email me the meeting details and I will forward them to the appropriate people in my office.

Thank you,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Tuesday, March 24, 2020 7:37 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Thank you Meg. I will supply the slide deck when completed.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations

<image001.png>
Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Monday, March 23, 2020 5:05 PM
To: George Sabbagh <george.sabbagh@bayer.com>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Seeking your Input.

Great! Thank you, George, for the confirmation.

On Monday at 10am, please use the following link to join the skype conference call.

[Join Skype Meeting](#)

Trouble Joining? [Try Skype Web App](#)

Please keep me posted as your team develops any presentation materials that should be shared with the group.

Thank you,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Monday, March 23, 2020 3:42 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Hi Meg, Monday March 30th 10:00 – 11:00 a.m. works well. Thank you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations

<image001.png>
Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: George Sabbagh
Sent: Monday, March 23, 2020 1:01 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input

Dan, Resending the request.

Please, let me know if you need more information.

Thank you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations

<image001.png>
Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: George Sabbagh
Sent: Tuesday, March 17, 2020 8:32 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: Seeking your Input

Hi Dan,

Following up on our call last week.

Bayer is looking to set up a meeting with the Agency (latter part of next week or the week after) to share data from testing the adjuvant VaporGrip X with the Product XtendiMax.

Results from field trials conducted by Bayer and Academics with the VaporGrip X have shown positive response to reducing off-target movement of XtendiMax. During the meeting, Bayer will go over these trials, share the results and discuss further plans.

Meeting information:

Proposed dates: March 26-27, or Week of March 30.

Proposed Agenda: Review of results from Testing VaporGrip X with Xtendimax

Attendees:

- Bayer Regulatory affairs and Environmental Safety
- EPA RD and EFED

Looking forward to hearing from you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations

<image001.png>

Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

The information contained in this e-mail is for the exclusive use of the intended recipient(s) and may be confidential, proprietary, and/or legally privileged. Inadvertent disclosure of this message does not constitute a waiver of any privilege. If you receive this message in error, please do not directly or indirectly use, print, copy, forward, or disclose any part of this message. Please also delete this e-mail and all copies and notify the sender. Thank you.

The information contained in this e-mail is for the exclusive use of the intended recipient(s) and may be confidential, proprietary, and/or legally privileged. Inadvertent disclosure of this message does not constitute a waiver of any privilege. If you receive this message in error, please do not directly or indirectly use, print, copy, forward, or disclose any part of this message. Please also delete this e-mail and all copies and notify the sender. Thank you.

The information contained in this e-mail is for the exclusive use of the intended recipient(s) and may be confidential, proprietary, and/or legally privileged. Inadvertent disclosure of this message does not constitute a waiver of any privilege. If you receive this message in error, please do not directly or indirectly use, print, copy, forward, or disclose any part of this message. Please also delete this e-mail and all copies and notify the sender. Thank you.

Message

From: Matuszko, Jan [matuszko.jan@epa.gov]
Sent: 9/2/2020 3:52:15 PM
To: Peck, Charles [Peck.Charles@epa.gov]; Wagman, Michael [Wagman.Michael@epa.gov]; Odenkirchen, Edward [Odenkirchen.Edward@epa.gov]; Anderson, Brian [Anderson.Brian@epa.gov]; Corbin, Mark [Corbin.Mark@epa.gov]; Farruggia, Frank [Farruggia.Frank@epa.gov]; Harwood, Douglas (Ethan) [harwood.douglas@epa.gov]; Matuszko, Jan [Matuszko.Jan@epa.gov]
Subject: Conversation with Anderson, Brian, Corbin, Mark, Farruggia, Frank, Harwood, Douglas (Ethan), Matuszko, Jan, Peck, Charles, Wagman, Michael

Matuszko, Jan 11:09 AM:

who is Ammons? Is that a mistake?

Peck, Charles 11:09 AM:
not sure

Wagman, Michael 11:10 AM:

Thanks! Looks like from the previous slide **Ex. 5 Deliberative Process (DP)**?

Peck, Charles 11:10 AM:
yup

Peck, Charles 11:11 AM:
I haven't seen the 2020 study

Matuszko, Jan 11:11 AM:

Bayer's order of topics wasn't ideal but I didn't want to start out the meeting being contrary. If we want to get to run-off, I suggest we really only ask questions that we really need to know.

Matuszko, Jan 11:12 AM:

then the 2020 study is one thing on our list they need to give us.

Farruggia, Frank 11:12 AM:

So to what extent do you think we need to address **Ex. 5 Deliberative Process (DP)**

Peck, Charles 11:13 AM:

I don't think **Ex. 5 Deliberative Process (DP)**

Matuszko, Jan 11:14 AM:

Wasn't trying to step on you guys. Wanted to give you protection so you didn't need to talk about your progress today. :)

Farruggia, Frank 11:14 AM:

I agree, we could add a paragraph or two explaining why they weren't considered, and list out these reasons.

Farruggia, Frank 11:14 AM:

Thanks!

Peck, Charles 11:14 AM:

nope, thanks for fielding that question! :)

Peck, Charles 11:15 AM:

looks like plant height is their metric

Matuszko, Jan 11:15 AM:

yep.

Anderson, Brian 11:15 AM:

not using new data in their calcs?

Peck, Charles 11:15 AM:

2019 and 2020 data is included

Wagman, Michael 11:15 AM:

it says through 2020

Farruggia, Frank 11:15 AM:

yes, we are not far from their measure using direct measures of height.

Farruggia, Frank 11:16 AM:

I am assuming **Ex. 5 Deliberative Process (DP)**

Wagman, Michael 11:16 AM:

Ex. 5 Deliberative Process (DP)

Farruggia, Frank 11:16 AM:

thats right but **Ex. 5 Deliberative Process (DP)**

Corbin, Mark 11:16 AM:

remember. **Ex. 5 Deliberative Process (DP)**

Wagman, Michael 11:16 AM:

good point

Farruggia, Frank 11:18 AM:

it is important to note that they **Ex. 5 Deliberative Process (DP)**

Matuszko, Jan 11:18 AM:

ok. Ask about this as needed. They have a different number than we do.

Peck, Charles 11:18 AM:

Ex. 5 Deliberative Process (DP)

Matuszko, Jan 11:18 AM:

should we ask them if they think **Ex. 5 Deliberative Process (DP)**

Farruggia, Frank 11:19 AM:

Ex. 5 Deliberative Process (DP)

Peck, Charles 11:19 AM:

Ex. 5 Deliberative Process (DP)

Matuszko, Jan 11:20 AM:

ok. so we are close. **Ex. 5 Deliberative Process (DP)**

Farruggia, Frank 11:22 AM:

i hope that is ok.

Matuszko, Jan 11:22 AM:

yes!

Matuszko, Jan 11:23 AM:

WE have to go here. ultimately, that's what these conversations are for.

Farruggia, Frank 11:25 AM:

Im not sure what the white paper they are reffering to.

Farruggia, Frank 11:26 AM:

perfect Chuck!

Peck, Charles 11:27 AM:

I think they are referring to the white paper they submitted back in June with the VGX and their proposed mitigation options

Matuszko, Jan 11:27 AM:

I need to better understand why **Ex. 5 Deliberative Process (DP)** Not right this second but before we present to Alex.

Farruggia, Frank 11:28 AM:

I will refresh myself

Matuszko, Jan 11:28 AM:

haha. thanks.

Farruggia, Frank 11:30 AM:

why are we meeting again?

Peck, Charles 11:30 AM:

so I guess they don't **Ex. 5 Deliberative Process (DP)**

Farruggia, Frank 11:30 AM:

we need to move to the woody species

Matuszko, Jan 11:30 AM:

ok. let's move.

Farruggia, Frank 11:30 AM:

Ex. 5 Deliberative Process (DP)

Peck, Charles 11:31 AM:

Ex. 5 Deliberative Process (DP)

Matuszko, Jan 11:31 AM:

We are meeting again because our senior level folks told us to do so. Best thing we can do is steer the conversation the way we wish to go. Remember, there are folks from Alex's office listening so we need to make sure our voice is heard too. and that we are working with industry.

Farruggia, Frank 11:32 AM:

yep, thanks!

Matuszko, Jan 11:33 AM:

perfect meg.

Peck, Charles 11:33 AM:

Ex. 5 Deliberative Process (DP)

Farruggia, Frank 11:33 AM:

nice!

Corbin, Mark 11:33 AM:

exactly

Wagman, Michael 11:37 AM:

Ex. 5 Deliberative Process (DP)

Anderson, Brian 11:38 AM:

other symptoms?

Corbin, Mark 11:39 AM:

Ex. 5 Deliberative Process (DP)

Farruggia, Frank 11:39 AM:

Ex. 5 Deliberative Process (DP)

Anderson, Brian 11:40 AM:

what were the **Ex. 5 Deliberative Process (DP)**

Peck, Charles 11:40 AM:

I think it was **Ex. 5 Deliberative Process (DP)**

Corbin, Mark 11:41 AM:

Ex. 5 Deliberative Process (DP)

Matuszko, Jan 11:41 AM:

you want to ask?

Peck, Charles 11:41 AM:

Ex. 5 Deliberative Process (DP)

Matuszko, Jan 11:42 AM:

good response Frank!

Wagman, Michael 11:42 AM:

how did their **Ex. 5 Deliberative Process (DP)**

Farruggia, Frank 11:43 AM:

Ex. 5 Deliberative Process (DP)

Farruggia, Frank 11:46 AM:

VSI, height, weight, branching pattern, yield loss, defoliation etc.... are all possible responses in a tree. There are limited number of observable endpoints in terms of a study. The greenhouse design doesn't allow for measurement of yield; branching pattern is too variable so N would be huge; defoliation and biomass loss will be captured by the dry weight measure

Farruggia, Frank 11:47 AM:

we have these data right?

Peck, Charles 11:48 AM:

Ex. 5 Deliberative Process (DP)

Matuszko, Jan 11:49 AM:

They keep telling us they want us to talk to Norsworthy. Rather than ask them for that paper, we should check in with Norsworthy and ask him about the Bayer product too.

Farruggia, Frank 11:49 AM:

Ex. 5 Deliberative Process (DP)

Message

From: Matuszko, Jan [Matuszko.Jan@epa.gov]
Sent: 3/30/2020 2:11:40 PM
To: Odenkirchen, Edward [Odenkirchen.Edward@epa.gov]
Subject: Re: Slides for Dicamba Bayer Teleconference Today at 10am

Me too.

Sent from my iPhone

On Mar 30, 2020, at 10:10 AM, Odenkirchen, Edward <Odenkirchen.Edward@epa.gov> wrote:

On the call right now, rather, skype I mean

From: Matuszko, Jan <Matuszko.Jan@epa.gov>
Sent: Monday, March 30, 2020 10:09 AM
To: Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>
Subject: FW: Slides for Dicamba Bayer Teleconference Today at 10am

FYI

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Monday, March 30, 2020 9:19 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Farruggia, Frank <Farruggia.Frank@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>; Wait, Monica <Wait.Monica@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>
Subject: Slides for Dicamba Bayer Teleconference Today at 10am

Good morning, all:

Here are the slides for our dicamba teleconference with Bayer, coming up at 10am.

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Sunday, March 29, 2020 1:46 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Hi Meg,

Attached is a copy of the slides that will be covered on our call. Additional notes on the content of the slides are provided.

I sent an invite on Friday for our call. The invite includes the link to the Skype call (video and audio). You can forward the invite to your colleagues who will be attending. The link is also provided below. I will get on the call 10 minutes early (9:50 a.m.). If you can join few minutes early, we can test the connection.

Join Skype Meeting

Trouble Joining? [Try Skype Web App](#)

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations

<image001.png>

Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Sent: Friday, March 27, 2020 4:12 PM

To: George Sabbagh <george.sabbagh@bayer.com>

Cc: BCSReg_Archive <esepamailbox@bayer.com>

Subject: RE: Seeking your Input.

Hello George:

I've gotten direction that for our Monday meeting, my office would actually prefer if Bayer could set up the Skype meeting and provide connection information to EPA staff. Would that be possible? If so, you can email me the meeting details and I will forward them to the appropriate people in my office.

Thank you,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Tuesday, March 24, 2020 7:37 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Thank you Meg. I will supply the slide deck when completed.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations

<image001.png>

Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Monday, March 23, 2020 5:05 PM
To: George Sabbagh <george.sabbagh@bayer.com>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Seeking your Input.

Great! Thank you, George, for the confirmation.

On Monday at 10am, please use the following link to join the skype conference call.

[Join Skype Meeting](#)

Trouble Joining? [Try Skype Web App](#)

Please keep me posted as your team develops any presentation materials that should be shared with the group.

Thank you,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Monday, March 23, 2020 3:42 PM

To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Hi Meg, Monday March 30th 10:00 – 11:00 a.m. works well. Thank you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations

<image001.png>
Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: George Sabbagh
Sent: Monday, March 23, 2020 1:01 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input

Dan, Resending the request.

Please, let me know if you need more information.

Thank you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations

<image001.png>
Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: George Sabbagh
Sent: Tuesday, March 17, 2020 8:32 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: Seeking your Input

Hi Dan,

Following up on our call last week.

Bayer is looking to set up a meeting with the Agency (latter part of next week or the week after) to share data from testing the adjuvant VaporGrip X with the Product XtendiMax.

Results from field trials conducted by Bayer and Academics with the VaporGrip X have shown positive response to reducing off-target movement of XtendiMax. During the meeting, Bayer will go over these trials, share the results and discuss further plans.

Meeting information:

Proposed dates: March 26-27, or Week of March 30.

Proposed Agenda: Review of results from Testing VaporGrip X with Xtendimax

Attendees:

- Bayer Regulatory affairs and Environmental Safety
- EPA RD and EFED

Looking forward to hearing from you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations

<image001.png>

Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

The information contained in this e-mail is for the exclusive use of the intended recipient(s) and may be confidential, proprietary, and/or legally privileged. Inadvertent disclosure of this message does not constitute a waiver of any privilege. If you receive this message in error, please do not directly or indirectly use, print, copy, forward, or disclose any part of this message. Please also delete this e-mail and all copies and notify the sender. Thank you.

The information contained in this e-mail is for the exclusive use of the intended recipient(s) and may be confidential, proprietary, and/or legally privileged. Inadvertent disclosure of this message does not constitute a waiver of any privilege. If you receive this message in error, please do not directly or indirectly use, print, copy, forward, or disclose any part of this message. Please also delete this e-mail and all copies and notify the sender. Thank you.

The information contained in this e-mail is for the exclusive use of the intended recipient(s) and may be confidential, proprietary, and/or legally privileged. Inadvertent disclosure of this message does not constitute a waiver of any privilege. If you receive this message in error, please do not directly or indirectly use, print, copy, forward, or disclose any part of this message. Please also delete this e-mail and all copies and notify the sender. Thank you.

.....

Message

From: Odenkirchen, Edward [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=47E6BF402EED49CA8172E0849067D334-EDWARD W ODENKIRCHEN]
Sent: 10/28/2020 12:23:04 PM
To: Judkins, Donna [Judkins.Donna@epa.gov]
Subject: RE: OPP Shout-out (bcc OPP-ALL)

Ex. 6 Personal Privacy (PP)

From: Judkins, Donna <Judkins.Donna@epa.gov>
Sent: Wednesday, October 28, 2020 8:03 AM
To: Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>
Subject: RE: OPP Shout-out (bcc OPP-ALL)

Ex. 6 Personal Privacy (PP)

From: Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>
Sent: Wednesday, October 28, 2020 7:56 AM
To: Judkins, Donna <Judkins.Donna@epa.gov>
Subject: RE: OPP Shout-out (bcc OPP-ALL)

Better outcome than last time, though I fear it's still going to present issues this coming year.

Hey are you still on a personal timetable?

From: Judkins, Donna <Judkins.Donna@epa.gov>
Sent: Wednesday, October 28, 2020 7:55 AM
To: Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>
Subject: FW: OPP Shout-out (bcc OPP-ALL)

Congratulations!

From: Messina, Edward <Messina.Edward@epa.gov>
Sent: Tuesday, October 27, 2020 6:15 PM
Subject: OPP Shout-out (bcc OPP-ALL)

Today at a live event with cotton growers in Brooklet, GA, EPA Administrator Wheeler announced the approval of new registrations for two (OTT) dicamba products and an extension of the registration for an additional OTT dicamba product. All three registrations include new stringent control measures to protect the environment, including non-target plants, animals, and other crops not tolerant to dicamba. These registrations are only for use on dicamba-tolerant (DT) cotton and DT soybeans and will expire in 2025. To manage off-site movement of dicamba, EPA's 2020 registration features important control measures.

(<https://beta.regulations.gov/docket/EPA-HQ-OPP-2020-0492/document>). Some of these new control measures include a downwind buffer of 240 feet and 310 feet in areas where listed species are located and prohibiting OTT application of dicamba on soybeans after June 30 and cotton after July 30.

Congratulations to the Dicamba team listed below for a job well done!



EPA Announces 2020 Dicamba Registration Decision

Brooklet, Ga. (October 27, 2020) — At the Cromley Farm, U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler announced that EPA is approving new five-year registrations for two dicamba products and extending the registration of an additional dicamba product. All three registrations include new control measures to ensure these products can be used effectively while protecting the environment, including non-target plants, animals, and other crops not tolerant to dicamba.

“With today’s decision, farmers now have the certainty they need to make plans for their 2021 growing season,” **said EPA Administrator Andrew Wheeler.** “After reviewing substantial amounts of new information, conducting scientific assessments based on the best available science, and carefully considering input from stakeholders we have reached a resolution that is good for our farmers and our environment.”

Through today’s action, EPA approved new registrations for two “over-the-top” (OTT) dicamba products—XtendiMax with VaporGrip Technology and Engenia Herbicide—and extended the registration for an additional OTT dicamba product, Tavium Plus VaporGrip Technology. These registrations are only for use on dicamba-tolerant (DT) cotton and soybeans and will expire in 2025, providing certainty to American agriculture for the upcoming growing season and beyond.

To manage off-site movement of dicamba, EPA’s 2020 registration features important control measures, including:

- Requiring an approved pH-buffering agent (also called a Volatility Reduction Agent or VRA) be tank mixed with OTT dicamba products prior to all applications to control volatility.
- Requiring a downwind buffer of 240 feet and 310 feet in areas where listed species are located.
- Prohibiting OTT application of dicamba on soybeans after June 30 and cotton after July 30.

- Simplifying the label and use directions so that growers can more easily determine when and how to properly apply dicamba.

The 2020 registration labels also provide new flexibilities for growers and states. For example, there are opportunities for growers to reduce the downwind spray buffer for soybeans through use of certain approved hooded sprayers as an alternative control method. EPA also recognizes and supports the important authority [FIFRA section 24](#) gives the states for issuing locally appropriate regulations for pesticide use. If a state wishes to expand the federal OTT uses of dicamba to better meet special local needs, the agency will work with them to support their goals.

This action was informed by input from state regulators, grower groups, academic researchers, pesticide manufacturers, and others. EPA reviewed substantial amounts of new information and conducted assessments based on the best available science, including making Effect Determinations under the Endangered Species Act (ESA). With this information and input, EPA has concluded that these registration actions meet Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) registration standards. EPA believes that these new analyses address the concerns expressed in regard to EPA's 2018 dicamba registrations in the June 2020 U.S. Court of Appeals for the Ninth Circuit. Further, EPA concluded that with the control measures now required on labels, these actions either do not affect or are not likely to adversely affect endangered or threatened species.

To view the final registration of the dicamba products, visit docket EPA-HQ-OPP-2020-0492 at www.regulations.gov.

Background

The United States is the world's leading soybean producer and second-leading soybean exporter and also serves as the world's third-largest cotton producer and the leading cotton exporter. Today, there are limited cost-effective options to control herbicide-resistant weeds affecting these commodities. In 2018, approximately 41 percent of U.S. soybean acreage was planted with dicamba-tolerant (DT) seed and almost 70 percent of U.S. cotton acreage was planted with DT seed in 2019. Relative to alternative herbicide programs, postemergence dicamba may reduce weed control costs for some growers, possibly by as much as \$10 per acre, or over five percent of net operating revenue, not accounting for all measures growers will have to take to control off-field movement of dicamba.

Following reports of damage resulting from the off-site movement of dicamba, EPA amended the dicamba registration labels in 2017 and [in 2018](#). In June 2020, the U.S. Court of Appeals for the Ninth Circuit vacated the registrations for three dicamba products: XtendiMax with VaporGrip Technology, Engenia Herbicide, and DuPont FeXapan Herbicide. As a result of the Court's decision, EPA [issued cancellation orders](#) outlining limited circumstances under which existing stocks of the three affected products could be distributed and used until July 31, 2020.

Dicamba Team

Immediate Office
Mike Goodis

RD:

Marietta Echeverria
Dan Rosenblatt
Dan Kenny
Emily Schmid
Meg Hathaway
Sarah Meadows
Lydia Crawford

EFED:

Jan Matuszko
Brian Anderson
Mark Corbin
Charles (Chuck) Peck
Frank Farruggia
Ed Odenkirchen
Douglas (Ethan) Harwood
Michael Wagman
Jennifer Connolly
Monica Wait

BEAD:

Kimberly Nesci
Neil Anderson
Tim Kiely
Monisha Kaul
Brad Kells
TJ Wyatt
Bill Chism
Jonathan Becker
Kelly Tindall
John Orlowski

HED:

Dana Vogel
David Miller
Sarah Dobreniecki
Erin Jones
Kelly Lowe
Peter Savoia

FEAD:

Rhina Lara
Maya Piper
Carissa Cyran
Gregory Siedschlag
Allison Dennis
Sandra O'Neill

Kaitlin Picone
Emily Ryan
Rachel Ricciardi
Loren LaPointe
Cindy Wire
ITRMD:
Sharon McBride
PTSLO:
Erin Koch
Michele Knorr
Scott Garrison

Ed Messina, Esq.
Acting Office Director
Office of Pesticide Programs
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
p: (703) 347-0209

Message

From: Odenkirchen, Edward [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=47E6BF402EED49CA8172E0849067D334-EDWARD W ODENKIRCHEN]
Sent: 10/28/2020 11:47:31 AM
To: Lynn, Scott [Lynn.Scott@epa.gov]
Subject: RE: Pesticide Program Update: EPA Announces 2020 Dicamba Registration Decision

Yep. Long slog. We fought some hard battles, with ourselves mostly.

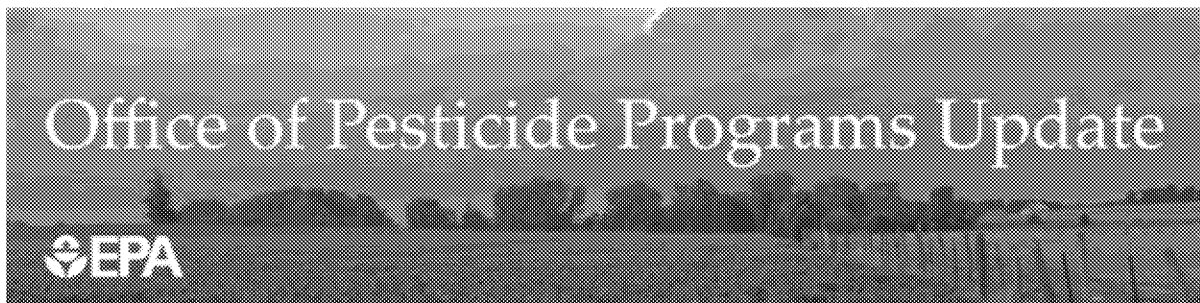
From: Lynn, Scott <Lynn.Scott@epa.gov>
Sent: Tuesday, October 27, 2020 6:50 PM
To: Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>
Subject: FW: Pesticide Program Update: EPA Announces 2020 Dicamba Registration Decision

Hot off the presses.

Scott Lynn, Ph.D.
202-564-2631

From: U.S. EPA Office of Chemical Safety and Pollution Prevention <oppt.epa@public.govdelivery.com>
Sent: Tuesday, October 27, 2020 6:10 PM
To: Lynn, Scott <Lynn.Scott@epa.gov>
Subject: Pesticide Program Update: EPA Announces 2020 Dicamba Registration Decision

Having trouble viewing this email? [View it as a Web page.](#)



EPA Announces 2020 Dicamba Registration Decision

Today, U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler announced that EPA is approving new five-year registrations for two dicamba products and extending the registration of an additional dicamba product. All three registrations include new control measures

to ensure these products can be used effectively while protecting the environment, including non-target plants, animals, and other crops not tolerant to dicamba.

“With today’s decision, farmers now have the certainty they need to make plans for their 2021 growing season,” **said EPA Administrator Andrew Wheeler.** “After reviewing substantial amounts of new information, conducting scientific assessments based on the best available science, and carefully considering input from stakeholders we have reached a resolution that is good for our farmers and our environment.”

Through today’s action, EPA approved new registrations for two “over-the-top” (OTT) dicamba products—XtendiMax with VaporGrip Technology and Engenia Herbicide—and extended the registration for an additional OTT dicamba product, Tavium Plus VaporGrip Technology. These registrations are only for use on dicamba-tolerant (DT) cotton and soybeans and will expire in 2025, providing certainty to American agriculture for the upcoming growing season and beyond.

To manage off-site movement of dicamba, EPA’s 2020 registration features important control measures, including:

- Requiring an approved pH-buffering agent (also called a Volatility Reduction Agent or VRA) be tank mixed with OTT dicamba products prior to all applications to control volatility.
- Requiring a downwind buffer of 240 feet and 310 feet in areas where listed species are located.
- Prohibiting OTT application of dicamba on soybeans after June 30 and cotton after July 30.
- Simplifying the label and use directions so that growers can more easily determine when and how to properly apply dicamba.

The 2020 registration labels also provide new flexibilities for growers and states. For example, there are opportunities for growers to reduce the downwind spray buffer for soybeans through use of certain approved hooded sprayers as an alternative control method. EPA also recognizes and supports the important authority FIFRA section 24 gives the states for issuing locally appropriate regulations for pesticide use. If a state wishes to expand the federal OTT uses of dicamba to better meet special local needs, the agency will work with them to support their goals.

This action was informed by input from state regulators, grower groups, academic researchers, pesticide manufacturers, and others. EPA reviewed substantial amounts of new information and conducted assessments based on the best available science, including making Effect Determinations under the Endangered Species Act (ESA). With this information and input, EPA has concluded that these registration actions meet Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) registration standards. EPA believes that these new analyses address the concerns expressed in regard to EPA’s 2018 dicamba registrations in the June 2020 U.S. Court of Appeals for the Ninth Circuit. Further, EPA concluded that with the control measures now required on labels, these actions either do not affect or are not likely to adversely affect endangered or threatened species.

To view the final registration of the dicamba products, visit docket EPA-HQ-OPP-2020-0492 at www.regulations.gov.

Background

The United States is the world’s leading soybean producer and second-leading soybean exporter and also serves as the world’s third-largest cotton producer and the leading cotton exporter. Today, there are limited cost-effective options to control herbicide-resistant weeds affecting these commodities. In 2018, approximately 41 percent of U.S. soybean acreage was planted with

dicamba-tolerant (DT) seed and almost 70 percent of U.S. cotton acreage was planted with DT seed in 2019. Relative to alternative herbicide programs, postemergence dicamba may reduce weed control costs for some growers, possibly by as much as \$10 per acre, or over five percent of net operating revenue, not accounting for all measures growers will have to take to control off-field movement of dicamba.

Following reports of damage resulting from the off-site movement of dicamba, EPA amended the dicamba registration labels in 2017 and in 2018. In June 2020, the U.S. Court of Appeals for the Ninth Circuit vacated the registrations for three dicamba products: XtendiMax with VaporGrip Technology, Engenia Herbicide, and DuPont FeXapan Herbicide. As a result of the Court's decision, EPA issued cancellation orders outlining limited circumstances under which existing stocks of the three affected products could be distributed and used until July 31, 2020.



You can unsubscribe or update your subscriptions or e-mail address at any time on your [Subscriber Preferences Page](#). All you will need is your e-mail address. If you have any questions or problems, please e-mail subscriberhelp.govdelivery.com for assistance.

This service is provided to you at no charge by the [U.S. Environmental Protection Agency](#).

Follow us on Twitter at [@EPACChemSafety](#).

This email was sent to lynn.scott@epa.gov using GovDelivery Communications Cloud on behalf of: U.S. EPA Office of Chemical Safety and Pollution Prevention · 707 17th St, Suite 4000 · Denver, CO 80202 · 1-800-439-1420



Message

From: Odenkirchen, Edward [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=47E6BF402EED49CA8172E0849067D334-EDWARD W ODENKIRCHEN]
Sent: 3/30/2020 2:58:16 PM
To: Matuszko, Jan [Matuszko.Jan@epa.gov]
Subject: RE: Slides for Dicamba Bayer Teleconference Today at 10am

Ex. 5 Deliberative Process (DP)

From: Matuszko, Jan <Matuszko.Jan@epa.gov>
Sent: Monday, March 30, 2020 10:42 AM
To: Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>
Subject: Re: Slides for Dicamba Bayer Teleconference Today at 10am

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

On Mar 30, 2020, at 10:18 AM, Odenkirchen, Edward <Odenkirchen.Edward@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

From: Matuszko, Jan <Matuszko.Jan@epa.gov>
Sent: Monday, March 30, 2020 10:17 AM
To: Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>
Subject: Re: Slides for Dicamba Bayer Teleconference Today at 10am

Did the academics present some of this when they came?

Sent from my iPhone

On Mar 30, 2020, at 10:16 AM, Odenkirchen, Edward <Odenkirchen.Edward@epa.gov> wrote:

Low tunnel studies are pretty much useless...exposure conditions and "field" loading are not realistic.

From: Matuszko, Jan <Matuszko.Jan@epa.gov>
Sent: Monday, March 30, 2020 10:12 AM
To: Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>
Subject: Re: Slides for Dicamba Bayer Teleconference Today at 10am

Me too.

Sent from my iPhone

On Mar 30, 2020, at 10:10 AM, Odenkirchen, Edward
<Odenkirchen.Edward@epa.gov> wrote:

On the call right now, rather, skype I mean

From: Matuszko, Jan <Matuszko.Jan@epa.gov>
Sent: Monday, March 30, 2020 10:09 AM
To: Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>
Subject: FW: Slides for Dicamba Bayer Teleconference Today at 10am

FYI

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Monday, March 30, 2020 9:19 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel
<Rosenblatt.Dan@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>;
Meadows, Sarah <Meadows.Sarah@epa.gov>; Schmid, Emily
<Schmid.Emily@epa.gov>; Farruggia, Frank
<Farruggia.Frank@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>;
Wait, Monica <Wait.Monica@epa.gov>; Matuszko, Jan
<Matuszko.Jan@epa.gov>
Subject: Slides for Dicamba Bayer Teleconference Today at 10am

Good morning, all:
Here are the slides for our dicamba teleconference with Bayer, coming
up at 10am.

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Sunday, March 29, 2020 1:46 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Hi Meg,

Attached is a copy of the slides that will be covered on our
call. Additional notes on the content of the slides are provided.

I sent an invite on Friday for our call. The invite includes the link to the Skype call (video and audio). You can forward the invite to your colleagues who will be attending. The link is also provided below. I will get on the call 10 minutes early (9:50 a.m.). If you can join few minutes early, we can test the connection.

Join Skype Meeting

Trouble Joining? [Try Skype Web App](#)

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations

<image001.png>

Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745

Washington, DC 20004

Cel: +1 913 231 6291

E-mail: george.sabbagh@bayer.com

Web: <http://www.bayercropscience.com>

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Sent: Friday, March 27, 2020 4:12 PM

To: George Sabbagh <george.sabbagh@bayer.com>

Cc: BCSReg_Archive <esepamailbox@bayer.com>

Subject: RE: Seeking your Input.

Hello George:

I've gotten direction that for our Monday meeting, my office would actually prefer if Bayer could set up the Skype meeting and provide connection information to EPA staff. Would that be possible? If so, you can email me the meeting details and I will forward them to the appropriate people in my office.

Thank you,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Tuesday, March 24, 2020 7:37 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Thank you Meg. I will supply the slide deck when completed.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations

<image001.png>
Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Monday, March 23, 2020 5:05 PM
To: George Sabbagh <george.sabbagh@bayer.com>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Seeking your Input.

Great! Thank you, George, for the confirmation.

On Monday at 10am, please use the following link to join the skype conference call.

[Join Skype Meeting](#)

Trouble Joining? [Try Skype Web App](#)

Please keep me posted as your team develops any presentation materials that should be shared with the group.

Thank you,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Monday, March 23, 2020 3:42 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Hi Meg, Monday March 30th 10:00 – 11:00 a.m. works well. Thank you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations

<image001.png>
Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: George Sabbagh
Sent: Monday, March 23, 2020 1:01 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input

Dan, Resending the request.

Please, let me know if you need more information.

Thank you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations

<image001.png>
Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: George Sabbagh
Sent: Tuesday, March 17, 2020 8:32 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: Seeking your Input

Hi Dan,

Following up on our call last week.

Bayer is looking to set up a meeting with the Agency (latter part of next week or the week after) to share data from testing the adjuvant VaporGrip X with the Product XtendiMax.

Results from field trials conducted by Bayer and Academics with the VaporGrip X have shown positive response to reducing off-target movement of XtendiMax. During the meeting, Bayer will go over these trials, share the results and discuss further plans.

Meeting information:

Proposed dates: March 26-27, or Week of March 30.

Proposed Agenda: Review of results from Testing VaporGrip X with Xtendimax

Attendees:

- Bayer Regulatory affairs and Environmental Safety
- EPA RD and EFED

Looking forward to hearing from you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations

<image001.png>

Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

The information contained in this e-mail is for the exclusive use of the intended recipient(s) and may be confidential, proprietary, and/or legally privileged. Inadvertent disclosure of this message does not constitute a waiver of any privilege. If you receive this message in error, please do not directly or indirectly use, print, copy, forward, or disclose any part of this message. Please also delete this e-mail and all copies and notify the sender. Thank you.

The information contained in this e-mail is for the exclusive use of the intended recipient(s) and may be confidential, proprietary, and/or legally privileged. Inadvertent disclosure of this message does not constitute a waiver of any privilege. If you receive this message in error, please do not directly or indirectly use, print, copy, forward, or disclose any part of this message. Please also delete this e-mail and all copies and notify the sender. Thank you.

The information contained in this e-mail is for the exclusive use of the intended recipient(s) and may be confidential, proprietary, and/or legally privileged. Inadvertent disclosure of this message does not constitute a waiver of any privilege. If you receive this message in error, please do not directly or indirectly use, print, copy, forward, or disclose any part of this message. Please also delete this e-mail and all copies and notify the sender. Thank you.

Message

From: Odenkirchen, Edward [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=47E6BF402EED49CA8172E0849067D334-EDWARD W ODENKIRCHEN]
Sent: 3/30/2020 2:53:14 PM
To: Matuszko, Jan [Matuszko.Jan@epa.gov]
Subject: RE: Slides for Dicamba Bayer Teleconference Today at 10am

Ex. 5 Deliberative Process (DP)

From: Matuszko, Jan <Matuszko.Jan@epa.gov>
Sent: Monday, March 30, 2020 10:42 AM
To: Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>
Subject: Re: Slides for Dicamba Bayer Teleconference Today at 10am

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

On Mar 30, 2020, at 10:18 AM, Odenkirchen, Edward <Odenkirchen.Edward@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

From: Matuszko, Jan <Matuszko.Jan@epa.gov>
Sent: Monday, March 30, 2020 10:17 AM
To: Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>
Subject: Re: Slides for Dicamba Bayer Teleconference Today at 10am

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

On Mar 30, 2020, at 10:16 AM, Odenkirchen, Edward <Odenkirchen.Edward@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

From: Matuszko, Jan <Matuszko.Jan@epa.gov>
Sent: Monday, March 30, 2020 10:12 AM
To: Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>
Subject: Re: Slides for Dicamba Bayer Teleconference Today at 10am

Me too.

Sent from my iPhone

On Mar 30, 2020, at 10:10 AM, Odenkirchen, Edward
<Odenkirchen.Edward@epa.gov> wrote:

On the call right now, rather, skype I mean

From: Matuszko, Jan <Matuszko.Jan@epa.gov>
Sent: Monday, March 30, 2020 10:09 AM
To: Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>
Subject: FW: Slides for Dicamba Bayer Teleconference Today at 10am

FYI

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Monday, March 30, 2020 9:19 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel
<Rosenblatt.Dan@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>;
Meadows, Sarah <Meadows.Sarah@epa.gov>; Schmid, Emily
<Schmid.Emily@epa.gov>; Farruggia, Frank
<Farruggia.Frank@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>;
Wait, Monica <Wait.Monica@epa.gov>; Matuszko, Jan
<Matuszko.Jan@epa.gov>
Subject: Slides for Dicamba Bayer Teleconference Today at 10am

Good morning, all:

Here are the slides for our dicamba teleconference with Bayer, coming
up at 10am.

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Sunday, March 29, 2020 1:46 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Hi Meg,

Attached is a copy of the slides that will be covered on our
call. Additional notes on the content of the slides are provided.

I sent an invite on Friday for our call. The invite includes the link to the Skype call (video and audio). You can forward the invite to your colleagues who will be attending. The link is also provided below. I will get on the call 10 minutes early (9:50 a.m.). If you can join few minutes early, we can test the connection.

Join Skype Meeting

Trouble Joining? [Try Skype Web App](#)

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations

<image001.png>

Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Sent: Friday, March 27, 2020 4:12 PM

To: George Sabbagh <george.sabbagh@bayer.com>

Cc: BCSReg_Archive <esepamailbox@bayer.com>

Subject: RE: Seeking your Input.

Hello George:

I've gotten direction that for our Monday meeting, my office would actually prefer if Bayer could set up the Skype meeting and provide connection information to EPA staff. Would that be possible? If so, you can email me the meeting details and I will forward them to the appropriate people in my office.

Thank you,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Tuesday, March 24, 2020 7:37 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Thank you Meg. I will supply the slide deck when completed.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations

<image001.png>
Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Monday, March 23, 2020 5:05 PM
To: George Sabbagh <george.sabbagh@bayer.com>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Seeking your Input.

Great! Thank you, George, for the confirmation.

On Monday at 10am, please use the following link to join the skype conference call.

[Join Skype Meeting](#)

Trouble Joining? [Try Skype Web App](#)

Please keep me posted as your team develops any presentation materials that should be shared with the group.

Thank you,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Monday, March 23, 2020 3:42 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Hi Meg, Monday March 30th 10:00 – 11:00 a.m. works well. Thank you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations

<image001.png>
Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: George Sabbagh
Sent: Monday, March 23, 2020 1:01 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input

Dan, Resending the request.

Please, let me know if you need more information.

Thank you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations

<image001.png>
Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: George Sabbagh
Sent: Tuesday, March 17, 2020 8:32 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: Seeking your Input

Hi Dan,

Following up on our call last week.

Bayer is looking to set up a meeting with the Agency (latter part of next week or the week after) to share data from testing the adjuvant VaporGrip X with the Product XtendiMax.

Results from field trials conducted by Bayer and Academics with the VaporGrip X have shown positive response to reducing off-target movement of XtendiMax. During the meeting, Bayer will go over these trials, share the results and discuss further plans.

Meeting information:

Proposed dates: March 26-27, or Week of March 30.

Proposed Agenda: Review of results from Testing VaporGrip X with Xtendimax

Attendees:

- Bayer Regulatory affairs and Environmental Safety
- EPA RD and EFED

Looking forward to hearing from you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations

<image001.png>

Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

The information contained in this e-mail is for the exclusive use of the intended recipient(s) and may be confidential, proprietary, and/or legally privileged. Inadvertent disclosure of this message does not constitute a waiver of any privilege. If you receive this message in error, please do not directly or indirectly use, print, copy, forward, or disclose any part of this message. Please also delete this e-mail and all copies and notify the sender. Thank you.

The information contained in this e-mail is for the exclusive use of the intended recipient(s) and may be confidential, proprietary, and/or legally privileged. Inadvertent disclosure of this message does not constitute a waiver of any privilege. If you receive this message in error, please do not directly or indirectly use, print, copy, forward, or disclose any part of this message. Please also delete this e-mail and all copies and notify the sender. Thank you.

The information contained in this e-mail is for the exclusive use of the intended recipient(s) and may be confidential, proprietary, and/or legally privileged. Inadvertent disclosure of this message does not constitute a waiver of any privilege. If you receive this message in error, please do not directly or indirectly use, print, copy, forward, or disclose any part of this message. Please also delete this e-mail and all copies and notify the sender. Thank you.

Message

From: Odenkirchen, Edward [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=47E6BF402EED49CA8172E0849067D334-EDWARD W ODENKIRCHEN]
Sent: 4/30/2020 6:52:12 PM
To: Matuszko, Jan [Matuszko.Jan@epa.gov]
Subject: RE: Dicamba court orders briefing re which products are subject to an order

THIS ABBOTTS IS AN EASY FIX FOR THE TERRESTRIAL POLINATORS...

From: Matuszko, Jan <Matuszko.Jan@epa.gov>
Sent: Thursday, April 30, 2020 2:41 PM
To: Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>
Subject: RE: Dicamba court orders briefing re which products are subject to an order

Clearly. And clearly deciding on how far they can go.

From: Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>
Sent: Thursday, April 30, 2020 2:37 PM
To: Matuszko, Jan <Matuszko.Jan@epa.gov>
Subject: RE: Dicamba court orders briefing re which products are subject to an order

PREPARING FOR AN ADVERSE DECISION

From: Matuszko, Jan <Matuszko.Jan@epa.gov>
Sent: Thursday, April 30, 2020 2:33 PM
To: Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>
Subject: FW: Dicamba court orders briefing re which products are subject to an order

FYI. It's coming....

From: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Sent: Thursday, April 30, 2020 1:33 PM
To: Matuszko, Jan <Matuszko.Jan@epa.gov>
Subject: FW: Dicamba court orders briefing re which products are subject to an order

From: Echeverria, Marietta
Sent: Thursday, April 30, 2020 8:30 AM
To: Matuszko, Jan <Matuszko.Jan@epa.gov>; Corbin, Mark (Corbin.Mark@epa.gov) <Corbin.Mark@epa.gov>
Subject: FW: Dicamba court orders briefing re which products are subject to an order

Confidential, Attorney-client privilege.

See below FYI.

From: Garrison, Scott <Garrison.Scott@epa.gov>
Sent: Wednesday, April 29, 2020 5:34 PM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>;

Echeverria, Marietta <Echeverria.Marietta@epa.gov>

Cc: Cole, Joseph E. <cole.josephe@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Perlis, Robert <Perlis.Robert@epa.gov>

Subject: Dicamba court orders briefing re which products are subject to an order

Confidential communication for internal deliberations only. Attorney-client privilege. Do not distribute outside EPA.

⇒ Note that Matt Leopold is recused from this matter.

The 9th Circuit issued an order today following up on last week's oral argument in the dicamba case, National Family Farm Coalition, et al v. USEPA, et al. The full order is in the email chain below, the key parts are:

The parties thus appear to disagree as to the scope of the challenge before us. As we read the petitioners' brief, they seek to challenge the entirety of the registration decision promulgated by the EPA on October 31, 2018, approving conditional registrations for post-emergent application of dicamba herbicides manufactured by Bayer CropScience, Corteva, and BASF. As we read EPA's brief, it contends that petitioners' challenge extends only to the conditional registration for post-emergent application of the dicamba herbicide manufactured by Bayer CropScience. ... Within fourteen days of the issuance of this order, the parties, including Intervenor Bayer CropScience, are directed to provide simultaneous letter briefs addressing the scope of petitioners' challenge. The briefs are to be no longer than ten pages of text, double-spaced, in size 14 font.

Ex. 5 Attorney Client (AC)

Scott Garrison
Pesticides and Toxic Substances Law Office (2333A)
Office of General Counsel
U.S. Environmental Protection Agency
202-564-4047
garrison.scott@epa.gov

From: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>

Sent: Wednesday, April 29, 2020 2:13 PM

To: Knorr, Michele <knorr.michele@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Perlis, Robert <Perlis.Robert@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Meghan Greenfield <Meghan.Greenfield@usdoj.gov>

Cc: Grosko, Brett (ENRD) <Brett.Grosko@usdoj.gov>

Subject: FW: 19-70115 National Family Farm Coalition, et al v. USEPA, et al "Order Filed (From Chambers)"

Well, the Court identified the problem about what actions are under review. We have 14 days to respond with a brief addressing the scope of Petitioners' challenge.

Sarah

From: ca9_ecfnoticing@ca9.uscourts.gov <ca9_ecfnoticing@ca9.uscourts.gov>

Sent: Wednesday, April 29, 2020 2:08 PM

To: Buckley, Sarah (ENRD) <SBuckley@ENRD.USDOJ.GOV>

Subject: 19-70115 National Family Farm Coalition, et al v. USEPA, et al "Order Filed (From Chambers)"

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing.

United States Court of Appeals for the Ninth Circuit

Notice of Docket Activity

The following transaction was entered on 04/29/2020 at 11:06:35 AM PDT and filed on 04/29/2020

Case Name: National Family Farm Coalition, et al v. USEPA, et al

Case Number: 19-70115

Document(s): Document(s)

Docket Text:

Filed order (MICHAEL DALY HAWKINS, M. MARGARET MCKEOWN and WILLIAM A. FLETCHER): On October 31, 2018, EPA signed a decision announcing that it “will be granting requests by Bayer CropScience (formerly Monsanto Company), Corteva (formerly DuPont), and BASF to amend their existing conditional registrations that contain expiration dates of November 9, 2018, and December 20, 2018, respectively.” ER 3. Pursuant to this decision, EPA issued three conditional registrations. On November 1, 2018, EPA issued a conditional registration to Bayer CropScience for its “M1768 Herbicide” [“XtendiMax With VaporGrip Technology”]. ER 65, 81. On November 2, 2018, EPA issued a conditional registration to BASF for its “Engenia Herbicide.” ER 167. On November 5, 2018, EPA issued a conditional registration to Corteva for its “DuPont FeXapan Herbicide.” ER 121. In a petition to our Court, National Family Farm Coalition et al. challenged the decision of EPA. Petitioners’ brief begins: “This petition seeks review of the October 31, 2018, decision by the United States Environmental Protection Agency (EPA) to continue the new uses registrations of the pesticide dicamba on dicambaresistant cotton and soybean. . . . Petitioners timely filed this petition for review.” Blue Brief at 1. Petitioners write further: “This case concerns a pesticide Intervenor Monsanto developed, ‘XtendiMax with VaporGrip Technology’ (XtendiMax), containing the weed-killing active ingredient dicamba. ER0003–4.” Id. at 2. They append a footnote to this sentence: “The registration also covers the competitor dicamba varieties approved by EPA for the same uses. ER0004–5, tbl.2; ER121–ER 0210. We use XtendiMax for simplicity.” Id. at 2, n.4. EPA writes in its brief: “Although not at issue here, EPA has issued registrations for two other dicamba products for the same uses, Engenia and FeXapan. EPA Reg. Nos. 7969-345 and 352-913. EPA’s 2018 registration action also amended the Engenia and FeXapan registrations.” Red Brief at 12–13, n.3. The parties thus appear to disagree as to the scope of the challenge before us. As we read the petitioners’ brief, they seek to challenge the entirety of the registration decision

promulgated by the EPA on October 31, 2018, approving conditional registrations for post-emergent application of dicamba herbicides manufactured by Bayer CropScience, Corteva, and BASF. As we read EPA's brief, it contends that petitioners' challenge extends only to the conditional registration for post-emergent application of the dicamba herbicide manufactured by Bayer CropScience. The briefing now before this Court does little more than to indicate disagreement between the parties. The Court would be assisted by more sustained briefing on the scope of petitioners' challenge. Within fourteen days of the issuance of this order, the parties, including Intervenor Bayer CropScience, are directed to provide simultaneous letter briefs addressing the scope of petitioners' challenge. The briefs are to be no longer than ten pages of text, double-spaced, in size 14 font. [11675470] (AF)

Notice will be electronically mailed to:

Richard P. Bress, Attorney
Sarah A. Buckley, Trial Attorney
Jesse A. Buss
Mr. John Brett Grosko, Trial Attorney
Mr. George Andreas Kimbrell, Attorney
Jon Michael Lipshultz
Ms. Stephanie M. Parent, Attorney
Philip J. Perry, Attorney
Mr. Andrew Prins
Claire Tonry
Ms. Amy Luisa Van Saun, Staff Attorney
Stacey L. VanBelleghem
Ms. Sylvia Shih-Yau Wu, Attorney

Case participants listed below will not receive this electronic notice:

USEPA - Agency Representative
USEPA - U.S. ENVIRONMENTAL PROTECTION AGENCY
1101A
1200 Pennsylvania Ave., NW
Washington, DC 20460

The following document(s) are associated with this transaction:

Document Description: Main Document

Original Filename: 19-70115 NFF order supp briefing FILE.pdf

Electronic Document Stamp:

[STAMP acecfStamp_ID=1106763461 [Date=04/29/2020] [FileNumber=11675470-0]
[1e64957da47a386301b116927feb82229f135e7267b0edfc7b8c4dd444c2732ed06d6a96daafb0b00b2b647b9876
deeba55340eb8b8e198297f3f506e16428bb]]

Message

From: Odenkirchen, Edward [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=47E6BF402EED49CA8172E0849067D334-EDWARD W ODENKIRCHEN]
Sent: 3/30/2020 2:10:15 PM
To: Matuszko, Jan [Matuszko.Jan@epa.gov]
Subject: RE: Slides for Dicamba Bayer Teleconference Today at 10am

On the call right now, rather, skype I mean

From: Matuszko, Jan <Matuszko.Jan@epa.gov>
Sent: Monday, March 30, 2020 10:09 AM
To: Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>
Subject: FW: Slides for Dicamba Bayer Teleconference Today at 10am

FYI

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Monday, March 30, 2020 9:19 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Farruggia, Frank <Farruggia.Frank@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>; Wait, Monica <Wait.Monica@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>
Subject: Slides for Dicamba Bayer Teleconference Today at 10am

Good morning, all:

Here are the slides for our dicamba teleconference with Bayer, coming up at 10am.

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Sunday, March 29, 2020 1:46 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Hi Meg,

Attached is a copy of the slides that will be covered on our call. Additional notes on the content of the slides are provided.

I sent an invite on Friday for our call. The invite includes the link to the Skype call (video and audio). You can forward the invite to your colleagues who will be attending. The link is also provided below. I will get on the call 10 minutes early (9:50 a.m.). If you can join few minutes early, we can test the connection.

Join Skype Meeting

Trouble Joining? [Try Skype Web App](#)

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.

Director Registrations



Science For A Better Life

Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Sent: Friday, March 27, 2020 4:12 PM

To: George Sabbagh <george.sabbagh@bayer.com>

Cc: BCSReg_Archive <esepamailbox@bayer.com>

Subject: RE: Seeking your Input.

Hello George:

I've gotten direction that for our Monday meeting, my office would actually prefer if Bayer could set up the Skype meeting and provide connection information to EPA staff. Would that be possible? If so, you can email me the meeting details and I will forward them to the appropriate people in my office.

Thank you,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>

Sent: Tuesday, March 24, 2020 7:37 AM

To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Cc: BCSReg_Archive <esepamailbox@bayer.com>

Subject: RE: Seeking your Input.

Thank you Meg. I will supply the slide deck when completed.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations



Science For A Better Life

Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Monday, March 23, 2020 5:05 PM
To: George Sabbagh <george.sabbagh@bayer.com>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Seeking your Input.

Great! Thank you, George, for the confirmation.

On Monday at 10am, please use the following link to join the skype conference call.

[Join Skype Meeting](#)

Trouble Joining? [Try Skype Web App](#)

Please keep me posted as your team develops any presentation materials that should be shared with the group.

Thank you,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Monday, March 23, 2020 3:42 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>

Subject: RE: Seeking your Input.

Hi Meg, Monday March 30th 10:00 – 11:00 a.m. works well. Thank you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations



Science For A Better Life

Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: George Sabbagh

Sent: Monday, March 23, 2020 1:01 PM

To: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>

Subject: RE: Seeking your Input

Dan, Resending the request.

Please, let me know if you need more information.

Thank you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations



Science For A Better Life

Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: George Sabbagh
Sent: Tuesday, March 17, 2020 8:32 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: Seeking your Input

Hi Dan,

Following up on our call last week.

Bayer is looking to set up a meeting with the Agency (latter part of next week or the week after) to share data from testing the adjuvant VaporGrip X with the Product XtendiMax.

Results from field trials conducted by Bayer and Academics with the VaporGrip X have shown positive response to reducing off-target movement of XtendiMax. During the meeting, Bayer will go over these trials, share the results and discuss further plans.

Meeting information:

Proposed dates: March 26-27, or Week of March 30.

Proposed Agenda: Review of results from Testing VaporGrip X with Xtendimax

Attendees:

- Bayer Regulatory affairs and Environmental Safety
- EPA RD and EFED

Looking forward to hearing from you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations



Science For A Better Life

Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Tel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

The information contained in this e-mail is for the exclusive use of the intended recipient(s) and may be confidential, proprietary, and/or legally privileged. Inadvertent disclosure of this message does not constitute a waiver of any privilege. If you receive this message in error, please do not directly or indirectly use, print, copy, forward, or disclose any part of this message. Please also delete this e-mail and all copies and notify the sender. Thank you.

ED_005570D_00089948-00005

The information contained in this e-mail is for the exclusive use of the intended recipient(s) and may be confidential, proprietary, and/or legally privileged. Inadvertent disclosure of this message does not constitute a waiver of any privilege. If you receive this message in error, please do not directly or indirectly use, print, copy, forward, or disclose any part of this message. Please also delete this e-mail and all copies and notify the sender. Thank you.

The information contained in this e-mail is for the exclusive use of the intended recipient(s) and may be confidential, proprietary, and/or legally privileged. Inadvertent disclosure of this message does not constitute a waiver of any privilege. If you receive this message in error, please do not directly or indirectly use, print, copy, forward, or disclose any part of this message. Please also delete this e-mail and all copies and notify the sender. Thank you.

Message

From: Matuszko, Jan [matuszko.jan@epa.gov]
Sent: 8/14/2020 8:15:25 PM
To: Anderson, Brian [Anderson.Brian@epa.gov]; Corbin, Mark [Corbin.Mark@epa.gov]; Farruggia, Frank [Farruggia.Frank@epa.gov]; Matuszko, Jan [Matuszko.Jan@epa.gov]; Peck, Charles [Peck.Charles@epa.gov]
Subject: Conversation with Anderson, Brian, Corbin, Mark, Farruggia, Frank, Matuszko, Jan

Peck, Charles 3:37 PM:

thanks Jan!

Peck, Charles 3:38 PM:

if FWS is fine with the preserve system, then we can use it...otherwise, we can't

Farruggia, Frank 3:39 PM:

The indirect assessment and the area wide issues need to be solved for ESA, so all species distributions matter.

Anderson, Brian 3:39 PM:

marietta said it well

Peck, Charles 3:40 PM:

they need to know we are looking at species other than plants

Peck, Charles 3:41 PM:

the Services determine best available...if they don't, our calls won't mean anything

Anderson, Brian 3:41 PM:

yah - we can't just start using a totally different location information They are very sensitive to that

Matuszko, Jan 3:42 PM:

I agree. this is not the test case. In a smaller group, without Alex, I am comfortable going there.

Peck, Charles 3:42 PM:

Monarch isn't listed is it? We would just be doing it as a nice to protect kinds thing, right?

Matuszko, Jan 3:43 PM:

I sure don't remember hearing about it.

Farruggia, Frank 3:43 PM:

proposed.

Anderson, Brian 3:43 PM:

me neither

Corbin, Mark 3:43 PM:

It was an issue in the Enlist court decision. they said we did it wrong but only remanded the work back to us

Corbin, Mark 3:44 PM:

Ed O is already thinking about how to deal with that

Anderson, Brian 3:44 PM:

indirect effects was mentioned in the court case, right?

Farruggia, Frank 3:44 PM:

This is really about the indirect effects evaluation. Yes.

Matuszko, Jan 3:44 PM:

yes

Corbin, Mark 3:44 PM:

not Enlist. It was one of plaintiffs ESA arguments for dicamba

Matuszko, Jan 3:45 PM:
right.

Matuszko, Jan 3:49 PM:
Seems like these labels are getting more complicated...

Peck, Charles 3:49 PM:
yup

Farruggia, Frank 3:51 PM:
this will not make it less tricky

Peck, Charles 3:53 PM:
and make them more money....sounds like a monopoly

Farruggia, Frank 3:54 PM:
maybe

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Peck, Charles 3:54 PM:

Ex. 5 Deliberative Process (DP)

Farruggia, Frank 3:54 PM:

Ex. 5 Deliberative Process (DP)

Peck, Charles 3:55 PM:
yes

Matuszko, Jan 3:57 PM:
and they give us this highly complex study at the end of the month....

Farruggia, Frank 3:57 PM:
so is Vapor Grip X the october decision?

Peck, Charles 3:58 PM:
sounds like it

Matuszko, Jan 3:58 PM:
yes

Anderson, Brian 3:58 PM:
so they want to give us field study, complex tox studies, drift studies, etc... a couple of weeks before the decision is due?

Corbin, Mark 3:59 PM:
yes

Peck, Charles 3:59 PM:
I think the study coming will be similar to the other ones we've seen in the conditional studies...

Farruggia, Frank 3:59 PM:
are we making that on top of the old or canning all of the old field data because they won't be applicable to the vaporgrip x formulation?

Matuszko, Jan 3:59 PM:
Our senior folks don't have any clue what they are asking us to do

Farruggia, Frank 3:59 PM:
I gathered that at the meeting earlier in the week.

Matuszko, Jan 4:00 PM:

Let's chat next week. We need to focus on the product they want to register. We also can't review all of the data so we need to prioritize.

Matuszko, Jan 4:00 PM:

or we can't review at the level you all would prefer. :)

Peck, Charles 4:02 PM:

it takes me at least a week to review the flux and spray drift parts of the field studies...Frank probably needs a week to look at the plant data....

Matuszko, Jan 4:02 PM:

We also want to drive the ship on the technical meetings and should line them up in the way we want to discuss. So, let's get on that before it is done for us.

Anderson, Brian 4:03 PM:

(beer)

Matuszko, Jan 4:03 PM:

I hope Tuesday works for us since we aren't being consulted. At least it's not Friday.

Farruggia, Frank 4:04 PM:

Tuesday Bayer, Wednesday Syngenta,.....

Matuszko, Jan 4:04 PM:

lol

Farruggia, Frank 4:05 PM:

this is the most in the science involvement from a company I have ever witnessed on a product registration.

Peck, Charles 4:05 PM:

so am I supposed to set up meetings every Tuesday and Thursday with these guys?

Farruggia, Frank 4:06 PM:

the data speak for themselves. Other than questions that we have regarding some of the issues with missing data or info, I don't understand what the EPA/EFED goals are for these meetings.

Peck, Charles 4:08 PM:

if we spend all of our time preparing for meetings and doing homework for the meetings, we're never going to get our work done

Peck, Charles 4:08 PM:

thanks for speaking up Jan!

Corbin, Mark 4:08 PM:

It would be opportunity to talk about area wide damage and what we do about those impacts on ESA buffers

Matuszko, Jan 4:09 PM:

Trying to get us back in control here. Mark and I will have to take on the prep with some input from you. If we set the agenda, I am hoping it will be a bit less distressing

Farruggia, Frank 4:09 PM:

can we postpone until we confirm those distances and issues?

Corbin, Mark 4:10 PM:

if we cue up a question or two we want to engage them on we can dictate the agenda

Peck, Charles 4:11 PM:

can I take all of my use or lose now?

Matuszko, Jan 4:11 PM:

We can't postpone. \.

Corbin, Mark 4:11 PM:

Ex. 5 Deliberative Process (DP)

Farruggia, Frank 4:11 PM:

Chuck, let me know when, we can have a picnic.

Matuszko, Jan 4:12 PM:

We can't postpone. We heard that from our boss. So we need to focus the conversations in the way we want and to give us time to do what we need to do

Peck, Charles 4:13 PM:

Ex. 5 Deliberative Process (DP)

Peck, Charles 4:13 PM:

can' use the tank mix, sorry

Farruggia, Frank 4:14 PM:

Give me a call if you all decide to have more discussions. Im signing off.

Farruggia, Frank 4:14 PM:

have a nice weekend.

Peck, Charles 4:14 PM:

I'm signing off too. I guess we'll eb talking more Monday morning. Have a good weekend everyone!

Corbin, Mark 4:14 PM:

right, the humidome data seems to be the key. Ed was talking about the % difference in flux and could we use that to re-model the distnace to effect you did for the two studies (or however many we ultimate run with AERMOD)

Matuszko, Jan 4:14 PM:

Monday. We will discuss early Monday. Is 8 or 8:30 too early?

Anderson, Brian 4:15 PM:

thanks guys for calling in. Have a good weekend.

Corbin, Mark 4:15 PM:

you too. Beer time

Message

From: Matuszko, Jan [matuszko.jan@epa.gov]
Sent: 9/2/2020 4:00:04 PM
To: Odenkirchen, Edward [Odenkirchen.Edward@epa.gov]; Wagman, Michael [Wagman.Michael@epa.gov]; Peck, Charles [Peck.Charles@epa.gov]; Anderson, Brian [Anderson.Brian@epa.gov]; Corbin, Mark [Corbin.Mark@epa.gov]; Farruggia, Frank [Farruggia.Frank@epa.gov]; Harwood, Douglas (Ethan) [harwood.douglas@epa.gov]; Matuszko, Jan [Matuszko.Jan@epa.gov]
Subject: Conversation with Anderson, Brian, Corbin, Mark, Farruggia, Frank, Harwood, Douglas (Ethan), Matuszko, Jan, Odenkirchen, Edward, Wagman, Michael

Matuszko, Jan 11:08 AM:

who is Ammons? Is that a mistake?

Peck, Charles 11:09 AM:
not sure

Wagman, Michael 11:10 AM:

Thanks! Looks like from the previous slide **Ex. 5 Deliberative Process (DP)**

Peck, Charles 11:10 AM:
yup

Peck, Charles 11:11 AM:
I haven't seen the 2020 study

Matuszko, Jan 11:11 AM:

Bayer's order of topics wasn't ideal but I didn't want to start out the meeting being contrary. If we want to get to run-off, I suggest we really only ask questions that we really need to know.

Matuszko, Jan 11:12 AM:

then the 2020 study is one thing on our list they need to give us.

Farruggia, Frank 11:12 AM:

So to what extent do you think we need to address **Ex. 5 Deliberative Process (DP)**

Peck, Charles 11:13 AM:

I don't think **Ex. 5 Deliberative Process (DP)**

Matuszko, Jan 11:14 AM:

Wasn't trying to step on you guys. Wanted to give you protection so you didn't need to talk about your progress today. :)

Farruggia, Frank 11:14 AM:

I agree, we could **Ex. 5 Deliberative Process (DP)**

Farruggia, Frank 11:14 AM:

Thanks!

Peck, Charles 11:14 AM:

nope, thanks for fielding that question! :)

Peck, Charles 11:15 AM:

looks like plant height is their metric

Matuszko, Jan 11:15 AM:

yep.

Anderson, Brian 11:15 AM:

not using new data in their calcs?

Peck, Charles 11:15 AM:

2019 and 2020 data is included

Wagman, Michael 11:15 AM:

it says through 2020

Farruggia, Frank 11:15 AM:

yes, we are not far from their measure using direct measures of height.

Farruggia, Frank 11:16 AM:

I am assuming

Ex. 5 Deliberative Process (DP)

Wagman, Michael 11:16 AM:

Ex. 5 Deliberative Process (DP)

Farruggia, Frank 11:16 AM:

thats right but

Ex. 5 Deliberative Process (DP)

Corbin, Mark 11:16 AM:

remember.

Ex. 5 Deliberative Process (DP)

Wagman, Michael 11:16 AM:

good point

Farruggia, Frank 11:18 AM:

it is important to note that they

Ex. 5 Deliberative Process (DP)

Matuszko, Jan 11:18 AM:

ok. Ask about this as needed. They have a different number than we do.

Peck, Charles 11:18 AM:

Ex. 5 Deliberative Process (DP)

Matuszko, Jan 11:18 AM:

should we ask them if they think

Ex. 5 Deliberative Process (DP)

Farruggia, Frank 11:19 AM:

Ex. 5 Deliberative Process (DP)

Peck, Charles 11:19 AM:

Ex. 5 Deliberative Process (DP)

Matuszko, Jan 11:20 AM:

ok. so we are close.

Ex. 5 Deliberative Process (DP)

Farruggia, Frank 11:22 AM:

i hope that is ok.

Matuszko, Jan 11:22 AM:

yes!

Matuszko, Jan 11:23 AM:

WE have to go here. ultimately, that's what these conversations are for.

Farruggia, Frank 11:25 AM:

Im not sure what the white paper they are reffering to.

Farruggia, Frank 11:26 AM:

perfect Chuck!

Peck, Charles 11:27 AM:

I think they are referring to the white paper they submitted back in June with the VGX and their proposed mitigation options

Matuszko, Jan 11:27 AM:

I need to better understand why **Ex. 5 Deliberative Process (DP)** Not right this second but before we present to Alex.

Farruggia, Frank 11:28 AM:

I will refresh myself

Matuszko, Jan 11:28 AM:

haha. thanks.

Farruggia, Frank 11:30 AM:

why are we meeting again?

Peck, Charles 11:30 AM:

so I guess they don't **Ex. 5 Deliberative Process (DP)**

Farruggia, Frank 11:30 AM:

we need to move to the woody species

Matuszko, Jan 11:30 AM:

ok. let's move.

Farruggia, Frank 11:30 AM:

Ex. 5 Deliberative Process (DP)

Peck, Charles 11:31 AM:

Ex. 5 Deliberative Process (DP)

Matuszko, Jan 11:31 AM:

We are meeting again because our senior level folks told us to do so. Best thing we can do is steer the conversation the way we wish to go. Remember, there are folks from Alex's office listening so we need to make sure our voice is heard too. and that we are working with industry.

Farruggia, Frank 11:32 AM:

yep, thanks!

Matuszko, Jan 11:33 AM:

perfect meg.

Peck, Charles 11:33 AM:

Ex. 5 Deliberative Process (DP)

Farruggia, Frank 11:33 AM:

nice!

Corbin, Mark 11:33 AM:

exactly

Wagman, Michael 11:37 AM:

Ex. 5 Deliberative Process (DP)

Anderson, Brian 11:38 AM:

other symptoms?

Corbin, Mark 11:39 AM:

Ex. 5 Deliberative Process (DP)

Farruggia, Frank 11:39 AM:

Ex. 5 Deliberative Process (DP)

Anderson, Brian 11:40 AM:

what were the **Ex. 5 Deliberative Process (DP)**

Peck, Charles 11:40 AM:

I think it was **Ex. 5 Deliberative Process (DP)**

Corbin, Mark 11:41 AM:

Ex. 5 Deliberative Process (DP)

Matuszko, Jan 11:41 AM:

you want to ask?

Peck, Charles 11:41 AM:

Ex. 5 Deliberative Process (DP)

Matuszko, Jan 11:42 AM:

good response Frank!

Wagman, Michael 11:42 AM:

how did their **Ex. 5 Deliberative Process (DP)**

Farruggia, Frank 11:43 AM:

Ex. 5 Deliberative Process (DP)

Farruggia, Frank 11:46 AM:

VSI, height, weight, branching pattern, yield loss, defoliation etc.... are all possible responses in a tree. There are limited number of observable endpoints in terms of a study. The greenhouse design doesn't allow for measurement of yield; branching pattern is too variable so N would be huge; defoliation and biomass loss will be captured by the dry weight measure

Farruggia, Frank 11:47 AM:

we have these data right?

Peck, Charles 11:48 AM:

Ex. 5 Deliberative Process (DP)

Matuszko, Jan 11:49 AM:

They keep telling us they want us to talk to Norsworthy. Rather than ask them for that paper, we should check in with Norsworthy and ask him about the Bayer product too.

Farruggia, Frank 11:49 AM:

Ex. 5 Deliberative Process (DP)

Farruggia, Frank 11:52 AM:

this paper wasn't responding to us. we wanted to know what she just said regarding their field studies

Farruggia, Frank 11:53 AM:

I agree about talking with N about the paper and the product. Next week?

Matuszko, Jan 11:54 AM:

before we talk to bayer next would be ideal.

Farruggia, Frank 11:59 AM:

I need to jump off line to get some school errand done, but will be back after lunch.

Message

From: Odenkirchen, Edward [Odenkirchen.Edward@epa.gov]
Sent: 9/4/2020 2:33:56 PM
To: Peck, Charles [Peck.Charles@epa.gov]
Subject: RE: Another Chemistry Question Involving Dicamba

The gas/particle partitioning behavior of organic acids and bases is highly dependent on acid-base equilibria and speciation between neutral and ionic forms, because ionic compounds have remarkably reduced propensity to volatilize.

From: Peck, Charles <Peck.Charles@epa.gov>
Sent: Friday, September 04, 2020 10:18 AM
To: Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>
Subject: RE: Another Chemistry Question Involving Dicamba

Thanks Ed! This is really helpful, it's been a while since I took chemistry...

Based on your discussion, it would seem that when **Ex. 4 CBI** is added to a tank mix with dicamba, we get the slight shift to the acidic side which would result in more dicamba volatilizing. But when the **Ex. 4 CBI** is added, it buffers this shift.

And because **Ex. 4 CBI** is a strong acid, it will drive the pH down much quicker when mixed with dicamba and cause more emissions...

From: Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>
Sent: Friday, September 04, 2020 9:46 AM
To: Peck, Charles <Peck.Charles@epa.gov>
Subject: RE: Another Chemistry Question Involving Dicamba

Ex. 4 CBI

Ex. 4 CBI

From: Peck, Charles <Peck.Charles@epa.gov>
Sent: Friday, September 04, 2020 9:40 AM
To: Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>
Subject: RE: Another Chemistry Question Involving Dicamba

Wouldn't the acetic acid gobble up the ammonium?

From: Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>
Sent: Friday, September 04, 2020 9:39 AM
To: Peck, Charles <Peck.Charles@epa.gov>
Subject: RE: Another Chemistry Question Involving Dicamba

Achieves much of anything with regards to ammonium in solution.

From: Peck, Charles <Peck.Charles@epa.gov>
Sent: Friday, September 04, 2020 9:38 AM
To: Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>
Subject: RE: Another Chemistry Question Involving Dicamba

Achieves much of anything with regards to lowering volatility?

From: Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>
Sent: Friday, September 04, 2020 9:34 AM
To: Peck, Charles <Peck.Charles@epa.gov>
Subject: RE: Another Chemistry Question Involving Dicamba

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Peck, Charles <Peck.Charles@epa.gov>

Sent: Friday, September 04, 2020 8:29 AM

To: Eckel, William <Eckel.William@epa.gov>

Cc: Corbin, Mark <Corbin.Mark@epa.gov>; Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>; Wait, Monica <Wait.Monica@epa.gov>; Farruggia, Frank <Farruggia.Frank@epa.gov>; Wagman, Michael <Wagman.Michael@epa.gov>

Subject: Another Chemistry Question Involving Dicamba

Internal Draft Deliberative, Do Not Quote or Cite

Hi Bill,

As part of the upcoming registration(?) of the dicamba products that were recently vacated, the registrants have each proposed the mandatory addition of a buffering agent to their tank mixes to help reduce volatility. We're trying to ascertain whether we think one will perform better than the other or if they'll perform the same.

Ex. 4 CBI

Ex. 4 CBI

Thanks Bill in advance for your help!

Chuck Peck
OPP/EFED/ERB VI
Potomac Yard South
Crystal City, VA
Room 10244
(703) 347-8064
peck.charles@epa.gov

Message

From: Odenkirchen, Edward [Odenkirchen.Edward@epa.gov]
Sent: 9/4/2020 2:00:26 PM
To: Peck, Charles [Peck.Charles@epa.gov]
Subject: RE: Another Chemistry Question Involving Dicamba

As for the **Ex. 4 CBI**

It is a salt that in water exists as dissociated $2K^+$ and CO_3^{2-}
Excess carbonate in water forms an alkaline solution...

From: Peck, Charles <Peck.Charles@epa.gov>
Sent: Friday, September 04, 2020 9:40 AM
To: Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>
Subject: RE: Another Chemistry Question Involving Dicamba

Wouldn't the acetic acid gobble up the ammonium?

From: Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>
Sent: Friday, September 04, 2020 9:39 AM
To: Peck, Charles <Peck.Charles@epa.gov>
Subject: RE: Another Chemistry Question Involving Dicamba

Achieves much of anything with regards to ammonium in solution.

From: Peck, Charles <Peck.Charles@epa.gov>
Sent: Friday, September 04, 2020 9:38 AM
To: Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>
Subject: RE: Another Chemistry Question Involving Dicamba

Achieves much of anything with regards to lowering volatility?

From: Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>
Sent: Friday, September 04, 2020 9:34 AM
To: Peck, Charles <Peck.Charles@epa.gov>
Subject: RE: Another Chemistry Question Involving Dicamba

Ex. 4 CBI

From: Peck, Charles <Peck.Charles@epa.gov>
Sent: Friday, September 04, 2020 8:29 AM
To: Eckel, William <Eckel.William@epa.gov>
Cc: Corbin, Mark <Corbin.Mark@epa.gov>; Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>; Wait, Monica <Wait.Monica@epa.gov>; Farruggia, Frank <Farruggia.Frank@epa.gov>; Wagman, Michael

<Wagman.Michael@epa.gov>

Subject: Another Chemistry Question Involving Dicamba

Internal Draft Deliberative, Do Not Quote or Cite

Hi Bill,

Ex. 4 CBI

Thanks Bill in advance for your help!

Chuck Peck
OPP/EFED/ERB VI
Potomac Yard South
Crystal City, VA

Room 10244
(703) 347-8064
peck.charles@epa.gov

Message

From: Wait, Monica [Wait.Monica@epa.gov]
Sent: 6/3/2020 12:01:51 PM
To: Peck, Charles [Peck.Charles@epa.gov]
Subject: FW: New Bean for Dicamba, DP #: 457978 - 3 of 5 MRIDs
Attachments: MRID 51134103_STC-2018-0085_MSL0029811.pdf; MRID 51134104_STC-2018-0085_1803892.000-1070_AZ.pdf; MRID 51134105_STC-2018-0153_TRR0000208.pdf

From: Wait, Monica
Sent: Tuesday, June 2, 2020 4:58 PM
To: Eckel, William <Eckel.William@epa.gov>
Cc: Corbin, Mark <Corbin.Mark@epa.gov>
Subject: RE: New Bean for Dicamba, DP #: 457978 - 3 of 5 MRIDs

From: Wait, Monica
Sent: Tuesday, June 2, 2020 4:55 PM
To: Eckel, William <Eckel.William@epa.gov>
Cc: Corbin, Mark <Corbin.Mark@epa.gov>
Subject: FW: New Bean for Dicamba, DP #: 457978

Hi Bill,

This is the dicamba BEAN that Mark eluded to in his previous email. I have attached the BEAN, submission cover letter, data transmittal, and 2/5 MRIDs to this email. Some of the files are large, so I will send the remaining 3/5 MRIDs in a second email.

My read is that this submission is for MON 51817, also known as Vapor Grip X, an adjuvant which is intended to be tank mixed with Bayer's existing EPA registered product Reg. No. 524-617 (the product itself also contains some VaporGrip, but the tank mix is to add more VaporGrip into the system). Bayer claims additional Vapor Grip in the tank reduces volatile mass loss.

Please screen the package and let us know your thoughts and impressions.

Thanks,
Monica

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Tuesday, June 2, 2020 8:24 AM
To: Corbin, Mark <Corbin.Mark@epa.gov>; Wait, Monica <Wait.Monica@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>
Subject: New Bean for Dicamba, Decision 562504, DP #: 457978, Submission #1051277

Hello Mark and Monica:

Please find the attached bean sheet for the VaporGrip data from Bayer, transmitted to EFED under Decision 562504, DP #: 457978, Submission #1051277.

The bean instructions are as follows:

'Dear EFED: The registrant Bayer has requested that EPA review the attached supplemental data concerning EPA Reg. No. 524-617 (M1768 Herbicide / XtendiMax® With VaporGrip® Technology). The data concern potential benefits claimed from adding MON 51817 in a tank mix with M1768 Herbicide. The MRIDs are not yet assigned in OPPIN, but the MRID #s are 51134100 - 51134105.

- Transmittal Document (MRID 51134100)
- Summary of Studies Conducted with MON 51817 in XtendiMax® With VaporGrip® Technology Tank Mixtures (MRID 51134101)
- Bibliography of MON 51817 Spray Drift and Volatility Data (MRID 51134102)
- Report: Field Volatility of Spray Solutions Containing Dicamba for Post-emergent Uses: Mon 76980 (22 oz/A) with different tank mix partners (MRID 51134103)
- Report: Deposition and Air Concentration Modeling for Dicamba Formulation MON 76980 with Different Tank Mix Partners – 2018 Arizona Field Trial (MRID 51134104)
- Report: Off-Target Disposition of Spray Solutions Containing Dicamba Formulations MON 76980 and MON 119151 (MRID 51134105)'

Thank you,

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

Message

From: Wait, Monica [Wait.Monica@epa.gov]
Sent: 6/3/2020 12:01:52 PM
To: Peck, Charles [Peck.Charles@epa.gov]
Subject: FW: New Bean for Dicamba, Decision 562504, DP #: 457978, Submission #1051277

Interesting background info from Meg.

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Tuesday, June 2, 2020 4:54 PM
To: Wait, Monica <Wait.Monica@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: New Bean for Dicamba, Decision 562504, DP #: 457978, Submission #1051277

Hi Monica:

That's correct. MON 51817 is an adjuvant and Bayer generated data on what occurs when that adjuvant is tank mixed with Bayer's already EPA-registered product 524-617 (brand name M1768 Herbicide; alternate brand name XtendiMax® With VaporGrip® Technology).

For context, RD suspects that

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Dan summed up the situation well in an email to RD's upper management yesterday. I'll just copy that text here for you to keep in your back pocket:

"this was submitted as a non-PRIA data set for the existing formulation. It's not a new formulation or a PRIA action to amend the label, just data.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

One other point is that this is also specific to their product and not the other products. That also makes it hard to understand how

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: Wait, Monica <Wait.Monica@epa.gov>
Sent: Tuesday, June 02, 2020 4:39 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: New Bean for Dicamba, Decision 562504, DP #: 457978, Submission #1051277

Hi Meg et al.,

I have a quick clarification on this new dicamba BEAN. Thanks for your help!

- I wanted to clarify if your understanding matches mine... **Vapor Grip X (MON 51817) is an adjuvant, not pesticide product** correct? It is additional Vapor Grip that can be added **in a tank mix** as an adjuvant with Bayer's EPA registered product (524-617) or potentially with other products, but Vapor Grip X itself is not considered a pesticide end use product. Is this your understanding too?

I attached the submission cover letter which includes additional details, for those who are interested.

Thanks,
Monica

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Tuesday, June 2, 2020 8:24 AM
To: Corbin, Mark <Corbin.Mark@epa.gov>; Wait, Monica <Wait.Monica@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>
Subject: New Bean for Dicamba, Decision 562504, DP #: 457978, Submission #1051277

Hello Mark and Monica:

Please find the attached bean sheet for the VaporGrip data from Bayer, transmitted to EFED under Decision 562504, DP #: 457978, Submission #1051277.

The bean instructions are as follows:

'Dear EFED: The registrant Bayer has requested that EPA review the attached supplemental data concerning EPA Reg. No. 524-617 (M1768 Herbicide / XtendiMax® With VaporGrip® Technology). The data concern potential benefits claimed from adding MON 51817 in a tank mix with M1768 Herbicide. The MRIDs are not yet assigned in OPPIN, but the MRID #s are 51134100 - 51134105.

- Transmittal Document (MRID 51134100)
- Summary of Studies Conducted with MON 51817 in XtendiMax® With VaporGrip® Technology Tank Mixtures (MRID 51134101)
- Bibliography of MON 51817 Spray Drift and Volatility Data (MRID 51134102)
- Report: Field Volatility of Spray Solutions Containing Dicamba for Post-emergent Uses: Mon 76980 (22 oz/A) with different tank mix partners (MRID 51134103)
- Report: Deposition and Air Concentration Modeling for Dicamba Formulation MON 76980 with Different Tank Mix Partners – 2018 Arizona Field Trial (MRID 51134104)
- Report: Off-Target Disposition of Spray Solutions Containing Dicamba Formulations MON 76980 and MON 119151 (MRID 51134105)'

Thank you,

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

Message

From: Schmid, Emily [Schmid.Emily@epa.gov]
Sent: 10/20/2020 10:53:30 AM
To: Peck, Charles [Peck.Charles@epa.gov]
Subject: RE: Appendix C

Thanks Chuck! I really appreciate this!

From: Peck, Charles <Peck.Charles@epa.gov>
Sent: Tuesday, October 20, 2020 6:49 AM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: Appendix C

Thanks Emily!! For some reason I just couldn't find the old product chemistry data. I came up with a work around value and it match very close to the values in these documents, so that's good.

Attached is the footnote that should be used in Appendix C for Engenia. Let me know if you have any questions.

Chuck Peck
OPP/EFED/ERB VI
Potomac Yard South
Crystal City, VA
Room 10244
(703) 347-8064
peck.charles@epa.gov

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Tuesday, October 20, 2020 6:12 AM
To: Peck, Charles <Peck.Charles@epa.gov>
Subject: RE: Appendix C

Hi Chuck,

They didn't change the formulation so we didn't get a new product chemistry review. I have attached the old one and the new CSF that they are using to support this registration.

Let me know if you need anything else.

Thanks,
Emily

From: Peck, Charles <Peck.Charles@epa.gov>
Sent: Monday, October 19, 2020 8:07 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: Appendix C

Hi Emily,

I've been trying to find the product chemistry report for Engenia to get a hold of the product density, but I can't find it. Do you have the CSF or product chemistry report for Engenia?

Thanks!

Chuck Peck
OPP/EFED/ERB VI
Potomac Yard South
Crystal City, VA
Room 10244
(703) 347-8064
peck.charles@epa.gov

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Monday, October 19, 2020 3:50 PM
To: Peck, Charles <Peck.Charles@epa.gov>
Subject: FW: Appendix C

Hi Chuck,

I'm working on the dicamba reg notices and noticed a little error with Appendix C for Engenia. See my email to Dan below for details.

Could you take a look and let me know if you think an example is needed and if so, could you (or someone else in EFED) put an example together for me?

Thanks,
Emily

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Monday, October 19, 2020 3:37 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: Appendix C

I think it would be Chuck Peck, although it was Faruque Khan in the past. Chuck is working on it now. If we don't think that it was that helpful, deleting it sounds like a good idea. We could always float the question to Chuck, if he thinks it's an important illustration to ensure the right results, they should be able to help us fix it. Do you want to run a quick check with Chuck?

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Monday, October 19, 2020 1:01 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: Appendix C
Importance: High

Hi Dan,

I'm trying to write these reg notices and came across a little error and I'm not sure how I should resolve it.

Appendix C for Xtendimax (page 11 here: https://www3.epa.gov/pesticides/chem_search/ppls/000524-00617-20181101.pdf) includes a sample calculation at the bottom.

Appendix C for Engenia (page 10 here: https://www3.epa.gov/pesticides/chem_search/ppls/007969-00345-20181102.pdf) doesn't have a sample calculation but says, "See sample calculation, below".

Should I just delete the note for Engenia? This is the way I'm leaning since it hasn't been there for years now and no one has ever asked about it, as far as I know.

If we want to include a sample calculation, I think I need EFED's help with that. Do you know who would have written the appendix in the past?

Thanks,
Emily

Emily Schmid
Product Manager 25
Herbicide Branch
Registration Division, Office of Pesticide Programs
U.S. Environmental Protection Agency

Message

From: Schmid, Emily [Schmid.Emily@epa.gov]
Sent: 10/20/2020 10:11:40 AM
To: Peck, Charles [Peck.Charles@epa.gov]
Subject: RE: Appendix C
Attachments: Engenia Herbicide Reg App 2 CSF.pdf; 7969-GUL_42080.pdf

Hi Chuck,

They didn't change the formulation so we didn't get a new product chemistry review. I have attached the old one and the new CSF that they are using to support this registration.

Let me know if you need anything else.

Thanks,
Emily

From: Peck, Charles <Peck.Charles@epa.gov>
Sent: Monday, October 19, 2020 8:07 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: Appendix C

Hi Emily,

I've been trying to find the product chemistry report for Engenia to get a hold of the product density, but I can't find it. Do you have the CSF or product chemistry report for Engenia?

Thanks!

Chuck Peck
OPP/EFED/ERB VI
Potomac Yard South
Crystal City, VA
Room 10244
(703) 347-8064
peck.charles@epa.gov

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Monday, October 19, 2020 3:50 PM
To: Peck, Charles <Peck.Charles@epa.gov>
Subject: FW: Appendix C

Hi Chuck,

I'm working on the dicamba reg notices and noticed a little error with Appendix C for Engenia. See my email to Dan below for details.

Could you take a look and let me know if you think an example is needed and if so, could you (or someone else in EFED) put an example together for me?

Thanks,

Emily

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Monday, October 19, 2020 3:37 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: Appendix C

I think it would be Chuck Peck, although it was Faruque Khan in the past. Chuck is working on it now. If we don't think that it was that helpful, deleting it sounds like a good idea. We could always float the question to Chuck, if he thinks it's an important illustration to ensure the right results, they should be able to help us fix it. Do you want to run a quick check with Chuck?

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Monday, October 19, 2020 1:01 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: Appendix C
Importance: High

Hi Dan,

I'm trying to write these reg notices and came across a little error and I'm not sure how I should resolve it.

Appendix C for Xtendimax (page 11 here: https://www3.epa.gov/pesticides/chem_search/ppls/000524-00617-20181101.pdf) includes a sample calculation at the bottom.

Appendix C for Engenia (page 10 here: https://www3.epa.gov/pesticides/chem_search/ppls/007969-00345-20181102.pdf) doesn't have a sample calculation but says, "See sample calculation, below".

Should I just delete the note for Engenia? This is the way I'm leaning since it hasn't been there for years now and no one has ever asked about it, as far as I know.

If we want to include a sample calculation, I think I need EFED's help with that. Do you know who would have written the appendix in the past?

Thanks,
Emily

Emily Schmid
Product Manager 25
Herbicide Branch
Registration Division, Office of Pesticide Programs
U.S. Environmental Protection Agency

Message

From: Wagman, Michael [Wagman.Michael@epa.gov]
Sent: 3/30/2020 1:46:45 PM
To: Peck, Charles [Peck.Charles@epa.gov]
Subject: RE: Slides for Dicamba Bayer Teleconference Today at 10am

Nope, first I heard of it. Thanks,

Michael

From: Peck, Charles <Peck.Charles@epa.gov>
Sent: Monday, March 30, 2020 9:41 AM
To: Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>; Wagman, Michael <Wagman.Michael@epa.gov>
Subject: FW: Slides for Dicamba Bayer Teleconference Today at 10am

Not sure if you were invited to this conf call in 20 min or not. Will forward Skype invite info next

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Monday, March 30, 2020 9:19 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Farruggia, Frank <Farruggia.Frank@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>; Wait, Monica <Wait.Monica@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>
Subject: Slides for Dicamba Bayer Teleconference Today at 10am

Good morning, all:

Here are the slides for our dicamba teleconference with Bayer, coming up at 10am.

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Sunday, March 29, 2020 1:46 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Hi Meg,

Attached is a copy of the slides that will be covered on our call. Additional notes on the content of the slides are provided.

I sent an invite on Friday for our call. The invite includes the link to the Skype call (video and audio). You can forward the invite to your colleagues who will be attending. The link is also provided below. I will get on the call 10 minutes early (9:50 a.m.). If you can join few minutes early, we can test the connection.

Join Skype Meeting

Trouble Joining? [Try Skype Web App](#)

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations



Science For A Better Life

Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Friday, March 27, 2020 4:12 PM
To: George Sabbagh <george.sabbagh@bayer.com>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Hello George:

I've gotten direction that for our Monday meeting, my office would actually prefer if Bayer could set up the Skype meeting and provide connection information to EPA staff. Would that be possible? If so, you can email me the meeting details and I will forward them to the appropriate people in my office.

Thank you,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Tuesday, March 24, 2020 7:37 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Cc: BCSReg_Archive <esepamailbox@bayer.com>

Subject: RE: Seeking your Input.

Thank you Meg. I will supply the slide deck when completed.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations



Science For A Better Life

Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Sent: Monday, March 23, 2020 5:05 PM

To: George Sabbagh <george.sabbagh@bayer.com>

Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>; Kenny, Daniel <Kenny.Dan@epa.gov>

Subject: RE: Seeking your Input.

Great! Thank you, George, for the confirmation.

On Monday at 10am, please use the following link to join the skype conference call.

[Join Skype Meeting](#)

Trouble Joining? [Try Skype Web App](#)

Please keep me posted as your team develops any presentation materials that should be shared with the group.

Thank you,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>

Sent: Monday, March 23, 2020 3:42 PM

To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>

Subject: RE: Seeking your Input.

Hi Meg, Monday March 30th 10:00 – 11:00 a.m. works well. Thank you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations



Science For A Better Life

Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: George Sabbagh

Sent: Monday, March 23, 2020 1:01 PM

To: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>

Subject: RE: Seeking your Input

Dan, Resending the request.

Please, let me know if you need more information.

Thank you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations



Science For A Better Life

Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: George Sabbagh
Sent: Tuesday, March 17, 2020 8:32 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: Seeking your Input

Hi Dan,

Following up on our call last week.

Bayer is looking to set up a meeting with the Agency (latter part of next week or the week after) to share data from testing the adjuvant VaporGrip X with the Product XtendiMax.

Results from field trials conducted by Bayer and Academics with the VaporGrip X have shown positive response to reducing off-target movement of XtendiMax. During the meeting, Bayer will go over these trials, share the results and discuss further plans.

Meeting information:

Proposed dates: March 26-27, or Week of March 30.

Proposed Agenda: Review of results from Testing VaporGrip X with Xtendimax

Attendees:

- Bayer Regulatory affairs and Environmental Safety
- EPA RD and EFED

Looking forward to hearing from you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations



Science For A Better Life

Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

The information contained in this e-mail is for the exclusive use of the intended recipient(s) and may be confidential, proprietary, and/or legally privileged. Inadvertent disclosure of this message does not constitute a waiver of any privilege. If you receive this message in error, please do not directly or indirectly use, print, copy, forward, or disclose any part of this message. Please also delete this e-mail and all copies and notify the sender. Thank you.

ED_005570D_00090181-00005

The information contained in this e-mail is for the exclusive use of the intended recipient(s) and may be confidential, proprietary, and/or legally privileged. Inadvertent disclosure of this message does not constitute a waiver of any privilege. If you receive this message in error, please do not directly or indirectly use, print, copy, forward, or disclose any part of this message. Please also delete this e-mail and all copies and notify the sender. Thank you.

The information contained in this e-mail is for the exclusive use of the intended recipient(s) and may be confidential, proprietary, and/or legally privileged. Inadvertent disclosure of this message does not constitute a waiver of any privilege. If you receive this message in error, please do not directly or indirectly use, print, copy, forward, or disclose any part of this message. Please also delete this e-mail and all copies and notify the sender. Thank you.

Message

From: Peck, Charles [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0CBC0CEC2936457EA649FCD45EB1910C-PECK, CHARLES]
Sent: 10/21/2020 1:18:09 PM
To: Schmid, Emily [Schmid.Emily@epa.gov]
Subject: RE: Appendix C

sure thing, happy to help!

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Wednesday, October 21, 2020 9:17 AM
To: Peck, Charles <Peck.Charles@epa.gov>
Subject: RE: Appendix C

Thanks Chuck! It might be okay since you can get a close value from publicly available information. I think I'll flag it on the registration notice for OGC, just in case.

Thanks again for putting together that example so quickly!

From: Peck, Charles <Peck.Charles@epa.gov>
Sent: Wednesday, October 21, 2020 9:12 AM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: Appendix C

Hi Emily,

That's a good question. I'm not sure, but the density was on the Vaporgrip labels. I can get a close estimate by just dividing the lbs ae/gal by the % ae on the label. For instance for Xtendimax if Ex. 4 CBI which is close to the 10.2 in appendix C. Likewise, Ex. 5 Deliberative Process (DP) which is close to the Ex. 5 Deliberative Process (DP) from the CSF...

Chuck Peck
OPP/EFED/ERB VI
Potomac Yard South
Crystal City, VA
Room 10244
(703) 347-8064
peck.charles@epa.gov

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Wednesday, October 21, 2020 9:05 AM
To: Peck, Charles <Peck.Charles@epa.gov>
Subject: RE: Appendix C

Hi Chuck,

I was thinking about this and wondering, is the product density CBI? It sounds like you didn't use the exact density anyway, just an estimate so maybe it doesn't matter.

Thanks,
Emily

From: Peck, Charles <Peck.Charles@epa.gov>
Sent: Tuesday, October 20, 2020 6:49 AM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: Appendix C

Thanks Emily!! For some reason I just couldn't find the old product chemistry data. I came up with a work around value and it match very close to the values in these documents, so that's good.

Attached is the footnote that should be used in Appendix C for Engenia. Let me know if you have any questions.

Chuck Peck
OPP/EFED/ERB VI
Potomac Yard South
Crystal City, VA
Room 10244
(703) 347-8064
peck.charles@epa.gov

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Tuesday, October 20, 2020 6:12 AM
To: Peck, Charles <Peck.Charles@epa.gov>
Subject: RE: Appendix C

Hi Chuck,

They didn't change the formulation so we didn't get a new product chemistry review. I have attached the old one and the new CSF that they are using to support this registration.

Let me know if you need anything else.

Thanks,
Emily

From: Peck, Charles <Peck.Charles@epa.gov>
Sent: Monday, October 19, 2020 8:07 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: Appendix C

Hi Emily,

I've been trying to find the product chemistry report for Engenia to get a hold of the product density, but I can't find it. Do you have the CSF or product chemistry report for Engenia?

Thanks!

Chuck Peck
OPP/EFED/ERB VI
Potomac Yard South
Crystal City, VA
Room 10244
(703) 347-8064

peck.charles@epa.gov

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Monday, October 19, 2020 3:50 PM
To: Peck, Charles <Peck.Charles@epa.gov>
Subject: FW: Appendix C

Hi Chuck,

I'm working on the dicamba reg notices and noticed a little error with Appendix C for Engenia. See my email to Dan below for details.

Could you take a look and let me know if you think an example is needed and if so, could you (or someone else in EFED) put an example together for me?

Thanks,
Emily

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Monday, October 19, 2020 3:37 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: Appendix C

I think it would be Chuck Peck, although it was Faruque Khan in the past. Chuck is working on it now. If we don't think that it was that helpful, deleting it sounds like a good idea. We could always float the question to Chuck, if he thinks it's an important illustration to ensure the right results, they should be able to help us fix it. Do you want to run a quick check with Chuck?

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Monday, October 19, 2020 1:01 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: Appendix C
Importance: High

Hi Dan,

I'm trying to write these reg notices and came across a little error and I'm not sure how I should resolve it.

Appendix C for Xtendimax (page 11 here: https://www3.epa.gov/pesticides/chem_search/ppls/000524-00617-20181101.pdf) includes a sample calculation at the bottom.

Appendix C for Engenia (page 10 here: https://www3.epa.gov/pesticides/chem_search/ppls/007969-00345-20181102.pdf) doesn't have a sample calculation but says, "See sample calculation, below".

Should I just delete the note for Engenia? This is the way I'm leaning since it hasn't been there for years now and no one has ever asked about it, as far as I know.

If we want to include a sample calculation, I think I need EFED's help with that. Do you know who would have written the appendix in the past?

Thanks,
Emily

Emily Schmid
Product Manager 25
Herbicide Branch
Registration Division, Office of Pesticide Programs
U.S. Environmental Protection Agency

Message

From: Peck, Charles [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0CBC0CEC2936457EA649FCD45EB1910C-PECK, CHARLES]
Sent: 10/20/2020 10:49:29 AM
To: Schmid, Emily [Schmid.Emily@epa.gov]
Subject: RE: Appendix C
Attachments: engenia footnote example calc.docx

Thanks Emily!! For some reason I just couldn't find the old product chemistry data. I came up with a work around value and it match very close to the values in these documents, so that's good.

Attached is the footnote that should be used in Appendix C for Engenia. Let me know if you have any questions.

Chuck Peck
OPP/EFED/ERB VI
Potomac Yard South
Crystal City, VA
Room 10244
(703) 347-8064
peck.charles@epa.gov

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Tuesday, October 20, 2020 6:12 AM
To: Peck, Charles <Peck.Charles@epa.gov>
Subject: RE: Appendix C

Hi Chuck,

They didn't change the formulation so we didn't get a new product chemistry review. I have attached the old one and the new CSF that they are using to support this registration.

Let me know if you need anything else.

Thanks,
Emily

From: Peck, Charles <Peck.Charles@epa.gov>
Sent: Monday, October 19, 2020 8:07 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: Appendix C

Hi Emily,

I've been trying to find the product chemistry report for Engenia to get a hold of the product density, but I can't find it. Do you have the CSF or product chemistry report for Engenia?

Thanks!

Chuck Peck
OPP/EFED/ERB VI
Potomac Yard South

Crystal City, VA
Room 10244
(703) 347-8064
peck.charles@epa.gov

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Monday, October 19, 2020 3:50 PM
To: Peck, Charles <Peck.Charles@epa.gov>
Subject: FW: Appendix C

Hi Chuck,

I'm working on the dicamba reg notices and noticed a little error with Appendix C for Engenia. See my email to Dan below for details.

Could you take a look and let me know if you think an example is needed and if so, could you (or someone else in EFED) put an example together for me?

Thanks,
Emily

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Monday, October 19, 2020 3:37 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: Appendix C

I think it would be Chuck Peck, although it was Faruque Khan in the past. Chuck is working on it now. If we don't think that it was that helpful, deleting it sounds like a good idea. We could always float the question to Chuck, if he thinks it's an important illustration to ensure the right results, they should be able to help us fix it. Do you want to run a quick check with Chuck?

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Monday, October 19, 2020 1:01 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: Appendix C
Importance: High

Hi Dan,

I'm trying to write these reg notices and came across a little error and I'm not sure how I should resolve it.

Appendix C for Xtendimax (page 11 here: https://www3.epa.gov/pesticides/chem_search/ppls/000524-00617-20181101.pdf) includes a sample calculation at the bottom.

Appendix C for Engenia (page 10 here: https://www3.epa.gov/pesticides/chem_search/ppls/007969-00345-20181102.pdf) doesn't have a sample calculation but says, "See sample calculation, below".

Should I just delete the note for Engenia? This is the way I'm leaning since it hasn't been there for years now and no one has ever asked about it, as far as I know.

If we want to include a sample calculation, I think I need EFED's help with that. Do you know who would have written the appendix in the past?

Thanks,
Emily

Emily Schmid
Product Manager 25
Herbicide Branch
Registration Division, Office of Pesticide Programs
U.S. Environmental Protection Agency

Message

From: Peck, Charles [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0CBC0CEC2936457EA649FCD45EB1910C-PECK, CHARLES]
Sent: 10/19/2020 8:37:00 PM
To: Schmid, Emily [Schmid.Emily@epa.gov]
Subject: RE: Appendix C

Hi Emily,

The calculation needs to be presented. I will send you the example calculation as soon as I can get my web browser working.

Chuck Peck
OPP/EFED/ERB VI
Potomac Yard South
Crystal City, VA
Room 10244
(703) 347-8064
peck.charles@epa.gov

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Monday, October 19, 2020 3:50 PM
To: Peck, Charles <Peck.Charles@epa.gov>
Subject: FW: Appendix C

Hi Chuck,

I'm working on the dicamba reg notices and noticed a little error with Appendix C for Engenia. See my email to Dan below for details.

Could you take a look and let me know if you think an example is needed and if so, could you (or someone else in EFED) put an example together for me?

Thanks,
Emily

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Monday, October 19, 2020 3:37 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: Appendix C

I think it would be Chuck Peck, although it was Faruque Khan in the past. Chuck is working on it now. If we don't think that it was that helpful, deleting it sounds like a good idea. We could always float the question to Chuck, if he thinks it's an important illustration to ensure the right results, they should be able to help us fix it. Do you want to run a quick check with Chuck?

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Monday, October 19, 2020 1:01 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: Appendix C
Importance: High

Hi Dan,

I'm trying to write these reg notices and came across a little error and I'm not sure how I should resolve it.

Appendix C for Xtendimax (page 11 here: https://www3.epa.gov/pesticides/chem_search/ppls/000524-00617-20181101.pdf) includes a sample calculation at the bottom.

Appendix C for Engenia (page 10 here: https://www3.epa.gov/pesticides/chem_search/ppls/007969-00345-20181102.pdf) doesn't have a sample calculation but says, "See sample calculation, below".

Should I just delete the note for Engenia? This is the way I'm leaning since it hasn't been there for years now and no one has ever asked about it, as far as I know.

If we want to include a sample calculation, I think I need EFED's help with that. Do you know who would have written the appendix in the past?

Thanks,
Emily

Emily Schmid
Product Manager 25
Herbicide Branch
Registration Division, Office of Pesticide Programs
U.S. Environmental Protection Agency

Message

From: Peck, Charles [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0CBC0CEC2936457EA649FCD45EB1910C-PECK, CHARLES]
Sent: 3/30/2020 1:41:28 PM
To: Odenkirchen, Edward [Odenkirchen.Edward@epa.gov]; Wagman, Michael [Wagman.Michael@epa.gov]
Subject: FW: Slides for Dicamba Bayer Teleconference Today at 10am
Attachments: VGX_Deck_Notes_20200328.pdf

Not sure if you were invited to this conf call in 20 min or not. Will forward Skype invite info next

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Monday, March 30, 2020 9:19 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Farruggia, Frank <Farruggia.Frank@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>; Wait, Monica <Wait.Monica@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>
Subject: Slides for Dicamba Bayer Teleconference Today at 10am

Good morning, all:

Here are the slides for our dicamba teleconference with Bayer, coming up at 10am.

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Sunday, March 29, 2020 1:46 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Hi Meg,

Attached is a copy of the slides that will be covered on our call. Additional notes on the content of the slides are provided.

I sent an invite on Friday for our call. The invite includes the link to the Skype call (video and audio). You can forward the invite to your colleagues who will be attending. The link is also provided below. I will get on the call 10 minutes early (9:50 a.m.). If you can join few minutes early, we can test the connection.

Join Skype Meeting

Trouble Joining? [Try Skype Web App](#)

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations



Science For A Better Life

Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Friday, March 27, 2020 4:12 PM
To: George Sabbagh <george.sabbagh@bayer.com>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Hello George:

I've gotten direction that for our Monday meeting, my office would actually prefer if Bayer could set up the Skype meeting and provide connection information to EPA staff. Would that be possible? If so, you can email me the meeting details and I will forward them to the appropriate people in my office.

Thank you,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Tuesday, March 24, 2020 7:37 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Thank you Meg. I will supply the slide deck when completed.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.



Science For A Better Life

Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Tel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Monday, March 23, 2020 5:05 PM
To: George Sabbagh <george.sabbagh@bayer.com>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Seeking your Input.

Great! Thank you, George, for the confirmation.

On Monday at 10am, please use the following link to join the skype conference call.

Join Skype Meeting

Trouble Joining? [Try Skype Web App](#)

Please keep me posted as your team develops any presentation materials that should be shared with the group.

Thank you,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Monday, March 23, 2020 3:42 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Hi Meg, Monday March 30th 10:00 – 11:00 a.m. works well. Thank you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations



Science For A Better Life

Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: George Sabbagh
Sent: Monday, March 23, 2020 1:01 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input

Dan, Resending the request.

Please, let me know if you need more information.

Thank you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations



Science For A Better Life

Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: George Sabbagh
Sent: Tuesday, March 17, 2020 8:32 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: Seeking your Input

Hi Dan,

Following up on our call last week.

Bayer is looking to set up a meeting with the Agency (latter part of next week or the week after) to share data from testing the adjuvant VaporGrip X with the Product XtendiMax.

Results from field trials conducted by Bayer and Academics with the VaporGrip X have shown positive response to reducing off-target movement of XtendiMax. During the meeting, Bayer will go over these trials, share the results and discuss further plans.

Meeting information:

Proposed dates: March 26-27, or Week of March 30.

Proposed Agenda: Review of results from Testing VaporGrip X with Xtendimax

Attendees:

- Bayer Regulatory affairs and Environmental Safety
- EPA RD and EFED

Looking forward to hearing from you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations



Science For A Better Life

Crop Science, a Division of Bayer

801 Pennsylvania Avenue, NW

Suite 745

Washington, DC 20004

Cel: +1 913 231 6291

E-mail: george.sabbagh@bayer.com

Web: <http://www.bayercropscience.com>

The information contained in this e-mail is for the exclusive use of the intended recipient(s) and may be confidential, proprietary, and/or legally privileged. Inadvertent disclosure of this message does not constitute a waiver of any privilege. If you receive this message in error, please do not directly or indirectly use, print, copy, forward, or disclose any part of this message. Please also delete this e-mail and all copies and notify the sender. Thank you.

The information contained in this e-mail is for the exclusive use of the intended recipient(s) and may be confidential, proprietary, and/or legally privileged. Inadvertent disclosure of this message does not constitute a waiver of any privilege. If you receive this message in error, please do not directly or indirectly use, print, copy, forward, or disclose any part of this message. Please also delete this e-mail and all copies and notify the sender. Thank you.

The information contained in this e-mail is for the exclusive use of the intended recipient(s) and may be confidential, proprietary, and/or legally privileged. Inadvertent disclosure of this message does not constitute a waiver of any privilege. If you receive this message in error, please do not directly or indirectly use, print, copy, forward, or disclose any part of this message. Please also delete this e-mail and all copies and notify the sender. Thank you.

Message

From: Garcia, Beth [garcia.beth@epa.gov]
Sent: 10/27/2020 6:11:37 PM
To: O'Neill, Sandra [ONeill.Sandra@epa.gov]; Picone, Kaitlin [Picone.Kaitlin@epa.gov]; Hopkins, Yvette [Hopkins.Yvette@epa.gov]; Hauff, Amanda [Hauff.Amanda@epa.gov]; Wire, Cindy [Wire.Cindy@epa.gov]; Ryan, Emily [ryan.emily@epa.gov]; Ricciardi, Rachel [Ricciardi.Rachel@epa.gov]; LaPointe, Loren [LaPointe.Loren@epa.gov]
Subject: RE: Timing UPDATED to 4:30PM: Dicamba rollout

Sandra:

Thanks, I was about to send you the same email! I'll reset my standby clock for 4:30pm.. Yay for coordination 😊

Beth

From: O'Neill, Sandra <ONeill.Sandra@epa.gov>
Sent: Tuesday, October 27, 2020 2:10 PM
To: Picone, Kaitlin <Picone.Kaitlin@epa.gov>; Hopkins, Yvette <Hopkins.Yvette@epa.gov>; Hauff, Amanda <Hauff.Amanda@epa.gov>; Wire, Cindy <Wire.Cindy@epa.gov>; Ryan, Emily <ryan.emily@epa.gov>; Ricciardi, Rachel <Ricciardi.Rachel@epa.gov>; LaPointe, Loren <LaPointe.Loren@epa.gov>; Garcia, Beth <garcia.beth@epa.gov>
Subject: RE: Timing UPDATED to 4:30PM: Dicamba rollout

Thanks, Kaitlin – looping in Beth so she knows the emails to the RDDs will instead be coming at 4:30 PM today.

Sandra O'Neill
919-323-7926

From: Picone, Kaitlin <Picone.Kaitlin@epa.gov>
Sent: Tuesday, October 27, 2020 2:06 PM
To: O'Neill, Sandra <ONeill.Sandra@epa.gov>; Hopkins, Yvette <Hopkins.Yvette@epa.gov>; Hauff, Amanda <Hauff.Amanda@epa.gov>; Wire, Cindy <Wire.Cindy@epa.gov>; Ryan, Emily <ryan.emily@epa.gov>; Ricciardi, Rachel <Ricciardi.Rachel@epa.gov>; LaPointe, Loren <LaPointe.Loren@epa.gov>
Subject: Timing UPDATED to 4:30PM: Dicamba rollout

All-timing has shifted back an hour.

10/27 4:30 PM Dicamba head's up email to states and EPA LCRD directors
10/27 5:15 PM Notify tribal and congressional contacts OCSP/OPS/ICRB w/OCIR

Sandra & Amanda—please confirm you received this so I don't pester you to confirm.

Amanda—Rachel can assist with TPPC, tribal, and other EJ distribution as this is after hours for you.

Thanks,
Kaitlin

From: Picone, Kaitlin <Picone.Kaitlin@epa.gov>
Sent: Tuesday, October 27, 2020 12:20 PM
To: O'Neill, Sandra <ONeill.Sandra@epa.gov>; Hopkins, Yvette <Hopkins.Yvette@epa.gov>; Hauff, Amanda

<Hauff.Amanda@epa.gov>; Wire, Cindy <Wire.Cindy@epa.gov>; Ryan, Emily <ryan.emily@epa.gov>; Ricciardi, Rachel <Ricciardi.Rachel@epa.gov>; LaPointe, Loren <LaPointe.Loren@epa.gov>

Subject: RE: Dicamba & AEZ rollout

Hi All—putting this all together in one ICRB email.

Dicamba Tick Tock

10/26~5:00 PM Alex & Carrie Head's up dicamba call w/Farm Bureau, Cotton, and Soybean Derrick B.
10/27 TBD Alex/Ed/Carrie Dicamba/AEZ call w/ Barb Glenn, NASDA & Leo Reed, AAPCO Derrick B.
10/27 3:30 PM Dicamba head's up email to states, EPA LCRD directors, others OCSPP/OPS/ICRB
10/27 3:30 PM Dicamba head's up email to USDA OPMPOPP/IO
10/27 3:30 PM Dicamba head's up email to regional ag advisors Carrie/Megan
10/27 3:30 PM Administrator Dicamba event begins EPA Administrator
10/27 3:30 PM Dicamba Web updates go live OCSPP/OPP/ITRMD
10/27 4:00 PM OPA issues Dicamba Press Release OPA
10/27 4:15 PM OPP sends Dicamba OPP Update OCSPP/OPS/CB - Maya
10/27 4:15 PM Notify tribal and congressional contacts OCSPP/OPS/ICRB w/OCIR

Sandra: Notify AAPCO & Regional list serves @ 3:30

Amanda: Notify tribes, EJ list serves @ 4:15

Short version of the *draft* press release for AAPCO/Regions notification prior to the press release going out.
Note that we may need to do a final review/revision once the press release is final.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: O'Neill, Sandra <ONeill.Sandra@epa.gov>

Sent: Tuesday, October 27, 2020 8:39 AM

To: Picone, Kaitlin <Picone.Kaitlin@epa.gov>; Hopkins, Yvette <Hopkins.Yvette@epa.gov>; Hauff, Amanda <Hauff.Amanda@epa.gov>; Wire, Cindy <Wire.Cindy@epa.gov>; Ryan, Emily <ryan.emily@epa.gov>; Ricciardi, Rachel <Ricciardi.Rachel@epa.gov>; LaPointe, Loren <LaPointe.Loren@epa.gov>

Subject: RE: Dicamba & AEZ rollout

Hi Kaitlin and welcome back, Yvette!

For distributions to the various groups, you've got it right. I would send to the regions, and Yvette or I would send to AAPCO/SFIREG, and Amanda for tribes. In the past, we'd sometimes only sent to TPPC, but we likely should have sent to the broader listserv that includes all tribes and not just TPPC, which Amanda has. I've also included Emily, Rachel, and Loren so that we can all be on the same page.

Regarding the content for the emails – we ask the Communications Branch to inform and provide what the final content is to go out to the various groups. As of now, I'm not certain if it will be the press release, or a different write-up. Will be good to have the meeting at 11.

Thanks much!

Sandra O'Neill
919-323-7926

From: Picone, Kaitlin <Picone.Kaitlin@epa.gov>

Sent: Monday, October 26, 2020 7:30 PM

To: Hopkins, Yvette <Hopkins.Yvette@epa.gov>; O'Neill, Sandra <ONeill.Sandra@epa.gov>; Hauff, Amanda <Hauff.Amanda@epa.gov>; Wire, Cindy <Wire.Cindy@epa.gov>

Subject: Dicamba & AEZ rollout

Hi All,

Things are moving fast with dicamba and AEZ this week. As of today, ICRB has been asked to handle email announcements tomorrow to regions, states (both at 3:30pm when the Administrator's event begins and the web updates go live) and tribes (at 4:14 just prior to the OPP update). I set up a call to chat more tomorrow at 11. I

understand that Sandra typically sends announcements to the Regions, Yvette to SFIREG/AAPCO, and Amanda to the distribution list for tribes. Please let me know if that's not correct, or if you can't be available for distribution at that time.

Does everyone draft their own email to each group, sticking pretty closely to the press release? Or has there been one email that is then circulated to the different groups? Just trying to understand the process for generating the email notifications given the short time frame. I'm attaching the current draft press release. **Please treat as close hold** and do not circulate further.

Except for the TPPC call that Amanda is helping to set up, all other notifications are being scheduled by the OCSP-IO.

We'll have another round of excitement with slightly more time when we repeat this again on Thursday with WPS/AEZ.

Let me know if you have any additional concerns at this point, and we can talk more about the rollout at 11am.

Thanks,
Kaitlin

Kaitlin Keller Picone
Chief, Intergovernmental & Community Relations Branch
Mission Support Division, Office of Program Support
U.S. EPA Office of Chemical Safety & Pollution Prevention
Office: (703) 347-0378
Cell: (202) 878-1451

Message

From: O'Neill, Sandra [ONeill.Sandra@epa.gov]
Sent: 10/27/2020 10:47:08 PM
To: Picone, Kaitlin [Picone.Kaitlin@epa.gov]
Subject: FW: Pesticide Program Update: EPA Announces 2020 Dicamba Registration Decision

Kaitlin,

FYI – AAPCO has already sent out the OPP Update to its members.

Sandra O'Neill
919-323-7926

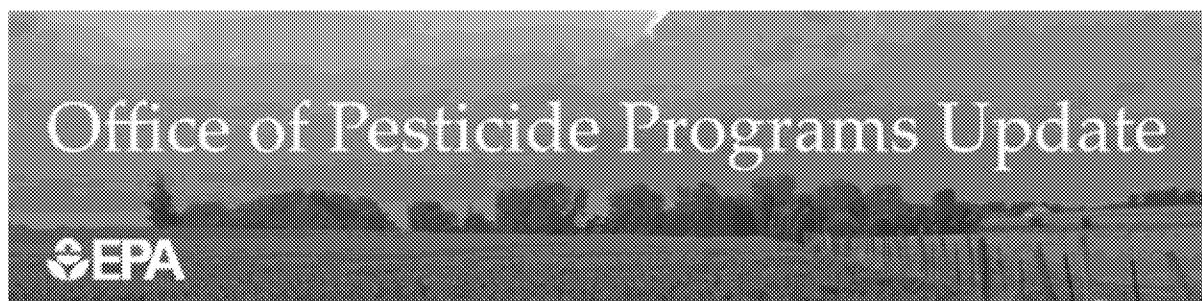
From: Amy Sullivan <aapco.sfireg@gmail.com>
Sent: Tuesday, October 27, 2020 6:11 PM
To: aapco.sfireg <aapco.sfireg@gmail.com>
Subject: FW: Pesticide Program Update: EPA Announces 2020 Dicamba Registration Decision

Forwarded by AAPCO

Amy Sullivan
Executive Secretary
AAPCO-SFIREG
406-431-3176
<https://aapco.org>
<https://twitter.com/aapcoexecsec>

From: "U.S. EPA Office of Chemical Safety and Pollution Prevention" <oppt.epa@public.govdelivery.com>
Reply-To: <oppt.epa@public.govdelivery.com>
Date: Tuesday, October 27, 2020 at 6:09 PM
To: <aapco.sfireg@gmail.com>
Subject: Pesticide Program Update: EPA Announces 2020 Dicamba Registration Decision

Having trouble viewing this email? [View it as a Web page.](#)



EPA Announces 2020 Dicamba Registration Decision

Today, U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler announced that EPA is approving new five-year registrations for two dicamba products and extending the registration of an additional dicamba product. All three registrations include new control measures to ensure these products can be used effectively while protecting the environment, including non-target plants, animals, and other crops not tolerant to dicamba.

“With today’s decision, farmers now have the certainty they need to make plans for their 2021 growing season,” **said EPA Administrator Andrew Wheeler.** “After reviewing substantial amounts of new information, conducting scientific assessments based on the best available science, and carefully considering input from stakeholders we have reached a resolution that is good for our farmers and our environment.”

Through today’s action, EPA approved new registrations for two “over-the-top” (OTT) dicamba products—XtendiMax with VaporGrip Technology and Engenia Herbicide—and extended the registration for an additional OTT dicamba product, Tavium Plus VaporGrip Technology. These registrations are only for use on dicamba-tolerant (DT) cotton and soybeans and will expire in 2025, providing certainty to American agriculture for the upcoming growing season and beyond.

To manage off-site movement of dicamba, EPA’s 2020 registration features important control measures, including:

- Requiring an approved pH-buffering agent (also called a Volatility Reduction Agent or VRA) be tank mixed with OTT dicamba products prior to all applications to control volatility.
- Requiring a downwind buffer of 240 feet and 310 feet in areas where listed species are located.
- Prohibiting OTT application of dicamba on soybeans after June 30 and cotton after July 30.
- Simplifying the label and use directions so that growers can more easily determine when and how to properly apply dicamba.

The 2020 registration labels also provide new flexibilities for growers and states. For example, there are opportunities for growers to reduce the downwind spray buffer for soybeans through use of certain approved hooded sprayers as an alternative control method. EPA also recognizes and supports the important authority [FIFRA section 24](#) gives the states for issuing locally appropriate regulations for pesticide use. If a state wishes to expand the federal OTT uses of dicamba to better meet special local needs, the agency will work with them to support their goals.

This action was informed by input from state regulators, grower groups, academic researchers, pesticide manufacturers, and others. EPA reviewed substantial amounts of new information and conducted assessments based on the best available science, including making Effect Determinations under the Endangered Species Act (ESA). With this information and input, EPA has concluded that these registration actions meet Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) registration standards. EPA believes that these new analyses address the concerns expressed in regard to EPA’s 2018 dicamba registrations in the June 2020 U.S. Court of Appeals for the Ninth Circuit. Further, EPA concluded that with the control measures now required on

labels, these actions either do not affect or are not likely to adversely affect endangered or threatened species.

To view the final registration of the dicamba products, visit docket EPA-HQ-OPP-2020-0492 at www.regulations.gov.

Background

The United States is the world's leading soybean producer and second-leading soybean exporter and also serves as the world's third-largest cotton producer and the leading cotton exporter. Today, there are limited cost-effective options to control herbicide-resistant weeds affecting these commodities. In 2018, approximately 41 percent of U.S. soybean acreage was planted with dicamba-tolerant (DT) seed and almost 70 percent of U.S. cotton acreage was planted with DT seed in 2019. Relative to alternative herbicide programs, postemergence dicamba may reduce weed control costs for some growers, possibly by as much as \$10 per acre, or over five percent of net operating revenue, not accounting for all measures growers will have to take to control off-field movement of dicamba.

Following reports of damage resulting from the off-site movement of dicamba, EPA amended the dicamba registration labels in 2017 and in 2018. In June 2020, the U.S. Court of Appeals for the Ninth Circuit vacated the registrations for three dicamba products: XtendiMax with VaporGrip Technology, Engenia Herbicide, and DuPont FeXapan Herbicide. As a result of the Court's decision, EPA issued cancellation orders outlining limited circumstances under which existing stocks of the three affected products could be distributed and used until July 31, 2020.



You can unsubscribe or update your subscriptions or e-mail address at any time on your [Subscriber Preferences Page](#). All you will need is your e-mail address. If you have any questions or problems, please e-mail subscriberhelp.govdelivery.com for assistance.

This service is provided to you at no charge by the [U.S. Environmental Protection Agency](#).

Follow us on Twitter at [@EPACChemSafety](#).

This email was sent to aapco.sfreg@gmail.com using GovDelivery Communications Cloud on behalf of, U.S. EPA Office of Chemical Safety and Pollution Prevention · 707 17th St, Suite 4000 · Denver, CO 80202 · 1-800-439-1420



Message

From: Hauff, Amanda [Hauff.Amanda@epa.gov]
Sent: 10/27/2020 10:19:58 PM
To: Picone, Kaitlin [Picone.Kaitlin@epa.gov]; Ricciardi, Rachel [Ricciardi.Rachel@epa.gov]
Subject: FW: Pesticide Program Update: EPA Announces 2020 Dicamba Registration Decision

Importance: High

FYI – completed. Good night!

From: Ricciardi, Rachel <Ricciardi.Rachel@epa.gov>
Sent: Tuesday, October 27, 2020 6:18 PM
To: tppc-members@list.micmac-nsn.gov
Cc: Mark Lambert Daniels <Mark.Daniels@nau.edu>; Mehrdad.Khatibi@NAU.EDU
Subject: [WARNING: DMARC validation failed] (TPPC) FW: Pesticide Program Update: EPA Announces 2020 Dicamba Registration Decision
Importance: High

Sharing with the TPPC.

Thank you!
-Rachel

Today, EPA announced the approval of new registrations for two “over the top” (OTT) dicamba products and extension of the registration for an additional OTT dicamba product. All three registrations include stringent control measures to protect the environment, including non-target plants, animals, and other crops not tolerant to dicamba. These registrations are only for use on dicamba-tolerant (DT) cotton and DT soybeans and will expire in 2025.

To manage off-site movement of dicamba, EPA’s 2020 registration features important control measures. Some of these new control measures include:

- A downwind buffer of 240 feet will be required and 310 feet in areas where listed species are located.
- Prohibiting OTT application of dicamba on soybeans after June 30 and cotton after July 30.

Please see additional information available in the press release below.

From: U.S. EPA Office of Chemical Safety and Pollution Prevention <oppt.epa@public.govdelivery.com>
Sent: Tuesday, October 27, 2020 6:10 PM
To: Hauff, Amanda <Hauff.Amanda@epa.gov>
Subject: Pesticide Program Update: EPA Announces 2020 Dicamba Registration Decision

Having trouble viewing this email? [View it as a Web page.](#)

EPA Announces 2020 Dicamba Registration Decision

Today, U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler announced that EPA is approving new five-year registrations for two dicamba products and extending the registration of an additional dicamba product. All three registrations include new control measures to ensure these products can be used effectively while protecting the environment, including non-target plants, animals, and other crops not tolerant to dicamba.

“With today’s decision, farmers now have the certainty they need to make plans for their 2021 growing season,” **said EPA Administrator Andrew Wheeler.** “After reviewing substantial amounts of new information, conducting scientific assessments based on the best available science, and carefully considering input from stakeholders we have reached a resolution that is good for our farmers and our environment.”

Through today’s action, EPA approved new registrations for two “over-the-top” (OTT) dicamba products—XtendiMax with VaporGrip Technology and Engenia Herbicide—and extended the registration for an additional OTT dicamba product, Tavium Plus VaporGrip Technology. These registrations are only for use on dicamba-tolerant (DT) cotton and soybeans and will expire in 2025, providing certainty to American agriculture for the upcoming growing season and beyond.

To manage off-site movement of dicamba, EPA’s 2020 registration features important control measures, including:

- Requiring an approved pH-buffering agent (also called a Volatility Reduction Agent or VRA) be tank mixed with OTT dicamba products prior to all applications to control volatility.
- Requiring a downwind buffer of 240 feet and 310 feet in areas where listed species are located.
- Prohibiting OTT application of dicamba on soybeans after June 30 and cotton after July 30.
- Simplifying the label and use directions so that growers can more easily determine when and how to properly apply dicamba.

The 2020 registration labels also provide new flexibilities for growers and states. For example, there are opportunities for growers to reduce the downwind spray buffer for soybeans through use of certain approved hooded sprayers as an alternative control method. EPA also recognizes and supports the important authority [FIFRA section 24](#) gives the states for issuing locally appropriate regulations for pesticide use. If a state wishes to expand the federal OTT uses of dicamba to better meet special local needs, the agency will work with them to support their goals.

This action was informed by input from state regulators, grower groups, academic researchers, pesticide manufacturers, and others. EPA reviewed substantial amounts of new information and conducted assessments based on the best available science, including making Effect Determinations under the Endangered Species Act (ESA). With this information and input, EPA has concluded that these registration actions meet Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) registration standards. EPA believes that these new analyses address the concerns expressed in regard to EPA’s 2018 dicamba registrations in the June 2020 U.S. Court of Appeals for the Ninth Circuit. Further, EPA concluded that with the control measures now required on

labels, these actions either do not affect or are not likely to adversely affect endangered or threatened species.

To view the final registration of the dicamba products, visit docket EPA-HQ-OPP-2020-0492 at www.regulations.gov.

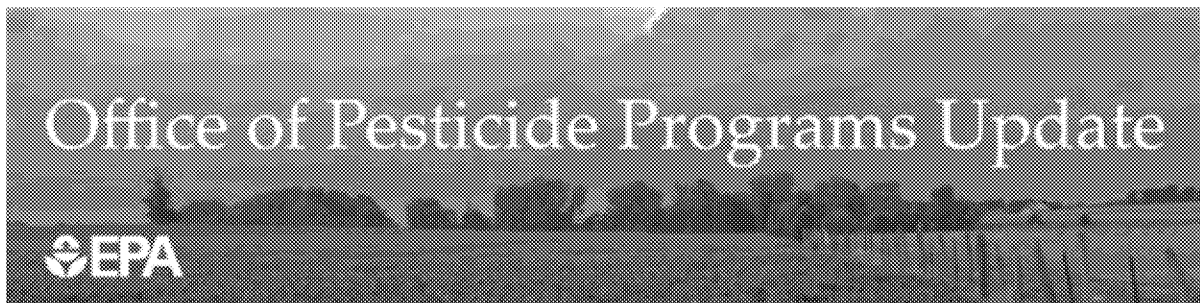
Background

The United States is the world's leading soybean producer and second-leading soybean exporter and also serves as the world's third-largest cotton producer and the leading cotton exporter. Today, there are limited cost-effective options to control herbicide-resistant weeds affecting these commodities. In 2018, approximately 41 percent of U.S. soybean acreage was planted with dicamba-tolerant (DT) seed and almost 70 percent of U.S. cotton acreage was planted with DT seed in 2019. Relative to alternative herbicide programs, postemergence dicamba may reduce weed control costs for some growers, possibly by as much as \$10 per acre, or over five percent of net operating revenue, not accounting for all measures growers will have to take to control off-field movement of dicamba.

Following reports of damage resulting from the off-site movement of dicamba, EPA amended the dicamba registration labels in 2017 and in 2018. In June 2020, the U.S. Court of Appeals for the Ninth Circuit vacated the registrations for three dicamba products: XtendiMax with VaporGrip Technology, Engenia Herbicide, and DuPont FeXapan Herbicide. As a result of the Court's decision, EPA issued cancellation orders outlining limited circumstances under which existing stocks of the three affected products could be distributed and used until July 31, 2020.

From: U.S. EPA Office of Chemical Safety and Pollution Prevention [oppt.epa@public.govdelivery.com]
Sent: 10/27/2020 10:09:46 PM
To: Picone, Kaitlin [Picone.Kaitlin@epa.gov]
Subject: Pesticide Program Update: EPA Announces 2020 Dicamba Registration Decision

Having trouble viewing this email? [View it as a Web page.](#)



EPA Announces 2020 Dicamba Registration Decision

Today, U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler announced that EPA is approving new five-year registrations for two dicamba products and extending the registration of an additional dicamba product. All three registrations include new control measures to ensure these products can be used effectively while protecting the environment, including non-target plants, animals, and other crops not tolerant to dicamba.

“With today’s decision, farmers now have the certainty they need to make plans for their 2021 growing season,” **said EPA Administrator Andrew Wheeler.** “After reviewing substantial amounts of new information, conducting scientific assessments based on the best available science, and carefully considering input from stakeholders we have reached a resolution that is good for our farmers and our environment.”

Through today’s action, EPA approved new registrations for two “over-the-top” (OTT) dicamba products—XtendiMax with VaporGrip Technology and Engenia Herbicide—and extended the registration for an additional OTT dicamba product, Tavium Plus VaporGrip Technology. These registrations are only for use on dicamba-tolerant (DT) cotton and soybeans and will expire in 2025, providing certainty to American agriculture for the upcoming growing season and beyond.

To manage off-site movement of dicamba, EPA’s 2020 registration features important control measures, including:

- Requiring an approved pH-buffering agent (also called a Volatility Reduction Agent or VRA) be tank mixed with OTT dicamba products prior to all applications to control volatility.

- Requiring a downwind buffer of 240 feet and 310 feet in areas where listed species are located.
- Prohibiting OTT application of dicamba on soybeans after June 30 and cotton after July 30.
- Simplifying the label and use directions so that growers can more easily determine when and how to properly apply dicamba.

The 2020 registration labels also provide new flexibilities for growers and states. For example, there are opportunities for growers to reduce the downwind spray buffer for soybeans through use of certain approved hooded sprayers as an alternative control method. EPA also recognizes and supports the important authority [FIFRA section 24](#) gives the states for issuing locally appropriate regulations for pesticide use. If a state wishes to expand the federal OTT uses of dicamba to better meet special local needs, the agency will work with them to support their goals.

This action was informed by input from state regulators, grower groups, academic researchers, pesticide manufacturers, and others. EPA reviewed substantial amounts of new information and conducted assessments based on the best available science, including making Effect Determinations under the Endangered Species Act (ESA). With this information and input, EPA has concluded that these registration actions meet Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) registration standards. EPA believes that these new analyses address the concerns expressed in regard to EPA's 2018 dicamba registrations in the June 2020 U.S. Court of Appeals for the Ninth Circuit. Further, EPA concluded that with the control measures now required on labels, these actions either do not affect or are not likely to adversely affect endangered or threatened species.

To view the final registration of the dicamba products, visit docket EPA-HQ-OPP-2020-0492 at www.regulations.gov.

Background

The United States is the world's leading soybean producer and second-leading soybean exporter and also serves as the world's third-largest cotton producer and the leading cotton exporter. Today, there are limited cost-effective options to control herbicide-resistant weeds affecting these commodities. In 2018, approximately 41 percent of U.S. soybean acreage was planted with dicamba-tolerant (DT) seed and almost 70 percent of U.S. cotton acreage was planted with DT seed in 2019. Relative to alternative herbicide programs, postemergence dicamba may reduce weed control costs for some growers, possibly by as much as \$10 per acre, or over five percent of net operating revenue, not accounting for all measures growers will have to take to control off-field movement of dicamba.

Following reports of damage resulting from the off-site movement of dicamba, EPA amended the dicamba registration labels in 2017 and [in 2018](#). In June 2020, the U.S. Court of Appeals for the Ninth Circuit vacated the registrations for three dicamba products: XtendiMax with VaporGrip Technology, Engenia Herbicide, and DuPont FeXapan Herbicide. As a result of the Court's decision, EPA [issued cancellation orders](#) outlining limited circumstances under which existing stocks of the three affected products could be distributed and used until July 31, 2020.



You can unsubscribe or update your subscriptions or e-mail address at any time on your [Subscriber Preferences Page](#). All you will need is your e-mail address. If you have any questions or problems, please e-mail subscriberhelp.govdelivery.com for assistance.

This service is provided to you at no charge by the U.S. Environmental Protection Agency.

Follow us on Twitter at @EPACChemSafety.

This email was sent to keller.kaitlin@epa.gov using GovDelivery Communications Cloud on behalf of: U.S. EPA Office of Chemical Safety and Pollution Prevention · 707 17th St, Suite 4000 · Denver, CO 80202 · 1-800-439-1420



Message

From: Dennis, Allison [Dennis.Allison@epa.gov]
Sent: 10/27/2020 10:02:32 PM
To: Piper, Maya [Piper.Maya@epa.gov]; Lara, Rhina [Lara.Rhina@epa.gov]; Siedschlag, Gregory [Siedschlag.Gregory@epa.gov]; Picone, Kaitlin [Picone.Kaitlin@epa.gov]; Kaiser, Sven-Erik [Kaiser.Sven-Erik@epa.gov]; Rosen, Bailey [Rosen.Bailey@epa.gov]; Cyran, Carissa [Cyran.Carissa@epa.gov]; Striegel, Megan [Striegel.Megan@epa.gov]
Subject: Fwd: EPA Announces 2020 Dicamba Registration Decision

It's out

Sent from my iPhone

Begin forwarded message:

From: EPA Press Office <press@epa.gov>
Date: October 27, 2020 at 6:01:03 PM EDT
To: "Dennis, Allison" <Dennis.Allison@epa.gov>
Subject: EPA Announces 2020 Dicamba Registration Decision
Reply-To: press@epa.gov

*** Forwarded Message ***

EPA Announces 2020 Dicamba Registration Decision

Brooklet, Ga. (October 27, 2020) — At the Cromley Farm, U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler announced that EPA is approving new five-year registrations for two dicamba products and extending the registration of an additional dicamba product. All three registrations include new control measures to ensure these products can be used effectively while protecting the environment, including non-target plants, animals, and other crops not tolerant to dicamba.

“With today’s decision, farmers now have the certainty they need to make plans for their 2021 growing season,” **said EPA Administrator Andrew Wheeler.** “After reviewing substantial amounts of new information, conducting scientific assessments based on the best available science, and carefully considering input from stakeholders we have reached a resolution that is good for our farmers and our environment.”

Through today's action, EPA approved new registrations for two "over-the-top" (OTT) dicamba products—XtendiMax with VaporGrip Technology and Engenia Herbicide—and extended the registration for an additional OTT dicamba product, Tavium Plus VaporGrip Technology. These registrations are only for use on dicamba-tolerant (DT) cotton and soybeans and will expire in 2025, providing certainty to American agriculture for the upcoming growing season and beyond.

To manage off-site movement of dicamba, EPA's 2020 registration features important control measures, including:

- Requiring an approved pH-buffering agent (also called a Volatility Reduction Agent or VRA) be tank mixed with OTT dicamba products prior to all applications to control volatility.
- Requiring a downwind buffer of 240 feet and 310 feet in areas where listed species are located.
- Prohibiting OTT application of dicamba on soybeans after June 30 and cotton after July 30.
- Simplifying the label and use directions so that growers can more easily determine when and how to properly apply dicamba.

The 2020 registration labels also provide new flexibilities for growers and states. For example, there are opportunities for growers to reduce the downwind spray buffer for soybeans through use of certain approved hooded sprayers as an alternative control method. EPA also recognizes and supports the important authority [FIFRA section 24](#) gives the states for issuing locally appropriate regulations for pesticide use. If a state wishes to expand the federal OTT uses of dicamba to better meet special local needs, the agency will work with them to support their goals.

This action was informed by input from state regulators, grower groups, academic researchers, pesticide manufacturers, and others. EPA reviewed substantial amounts of new information and conducted assessments based on the best available science, including making Effect Determinations under the Endangered Species Act (ESA). With this information and input, EPA has concluded that these registration actions meet Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) registration standards. EPA believes that these new analyses address the concerns expressed in regard to EPA's 2018 dicamba registrations in the June 2020 U.S. Court of Appeals for the Ninth Circuit. Further, EPA concluded that with the control measures now required on labels, these actions either do not affect or are not likely to adversely affect endangered or threatened species.

To view the final registration of the dicamba products, visit docket EPA-HQ-OPP-2020-0492 at www.regulations.gov.

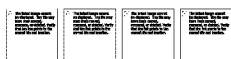
Background

The United States is the world's leading soybean producer and second-leading soybean exporter and also serves as the world's third-largest cotton producer and the leading cotton exporter. Today, there are limited cost-effective options to control herbicide-resistant weeds affecting these commodities. In 2018, approximately 41 percent of U.S. soybean acreage was planted with dicamba-tolerant (DT) seed and almost 70 percent of U.S. cotton acreage was planted with DT seed in 2019. Relative to alternative herbicide programs, postemergence dicamba may reduce weed control costs for some growers, possibly by as much as \$10 per acre, or over five percent of net operating revenue, not accounting for all measures growers will have to take to control off-field movement of dicamba.

Following reports of damage resulting from the off-site movement of dicamba, EPA amended the dicamba registration labels in 2017 and [in 2018](#). In June 2020, the U.S. Court of Appeals for the Ninth Circuit vacated the registrations for three dicamba products: XtendiMax with VaporGrip Technology, Engenia Herbicide, and DuPont FeXapan Herbicide. As a result of the Court's decision, EPA [issued cancellation orders](#) outlining limited circumstances under which existing stocks of the three affected products could be distributed and used until July 31, 2020.

###

<!--[if !mso]-->[Visit The EPA's Newsroom](#)<!--[endif]-->



U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

[Unsubscribe](#)



Message

From: Ricciardi, Rachel [Ricciardi.Rachel@epa.gov]
Sent: 10/27/2020 4:25:35 PM
To: Picone, Kaitlin [Picone.Kaitlin@epa.gov]
CC: Hauff, Amanda [Hauff.Amanda@epa.gov]; Ryan, Emily [ryan.emily@epa.gov]; LaPointe, Loren [LaPointe.Loren@epa.gov]
Subject: RE: Dicamba & AEZ rollout

Hi Kaitlin,

I know that Amanda will send out the “Notification: 2020 EPA Dicamba Registration Decision” to her tribal listserv at 4:15 PM, but I can still send out the notification to the TPPC listserv at 4:15 PM as well.

-Rachel

From: Picone, Kaitlin <Picone.Kaitlin@epa.gov>
Sent: Tuesday, October 27, 2020 12:20 PM
To: O'Neill, Sandra <O'Neill.Sandra@epa.gov>; Hopkins, Yvette <Hopkins.Yvette@epa.gov>; Hauff, Amanda <Hauff.Amanda@epa.gov>; Wire, Cindy <Wire.Cindy@epa.gov>; Ryan, Emily <ryan.emily@epa.gov>; Ricciardi, Rachel <Ricciardi.Rachel@epa.gov>; LaPointe, Loren <LaPointe.Loren@epa.gov>
Subject: RE: Dicamba & AEZ rollout

Hi All—putting this all together in one ICRB email.

Dicamba Tick Tock

10/26~5:00 PM Alex & Carrie Head's up dicamba call w/Farm Bureau, Cotton, and Soybean Derrick B.
10/27 TBD Alex/Ed/Carrie Dicamba/AEZ call w/ Barb Glenn, NASDA & Leo Reed, AAPCO Derrick B.
10/27 3:30 PM Dicamba head's up email to states, EPA LCRD directors, others OCSPP/OPS/ICRB
10/27 3:30 PM Dicamba head's up email to USDA OPMPOPP/IO
10/27 3:30 PM Dicamba head's up email to regional ag advisors Carrie/Megan
10/27 3:30 PM Administrator Dicamba event begins EPA Administrator
10/27 3:30 PM Dicamba Web updates go live OCSPP/OPP/ITRMD
10/27 4:00 PM OPA issues Dicamba Press Release OPA
10/27 4:15 PM OPP sends Dicamba OPP Update OCSPP/OPS/CB - Maya
10/27 4:15 PM Notify tribal and congressional contacts OCSPP/OPS/ICRB w/OCIR

Sandra: Notify AAPCO & Regional list serves @ 3:30

Amanda: Notify tribes, EJ list serves @ 4:15

Short version of the *draft* press release for AAPCO/Regions notification prior to the press release going out. Note that we may need to do a final review/revision once the press release is final.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: O'Neill, Sandra <ONeill.Sandra@epa.gov>

Sent: Tuesday, October 27, 2020 8:39 AM

To: Picone, Kaitlin <Picone.Kaitlin@epa.gov>; Hopkins, Yvette <Hopkins.Yvette@epa.gov>; Hauff, Amanda <Hauff.Amanda@epa.gov>; Wire, Cindy <Wire.Cindy@epa.gov>; Ryan, Emily <ryan.emily@epa.gov>; Ricciardi, Rachel <Ricciardi.Rachel@epa.gov>; LaPointe, Loren <LaPointe.Loren@epa.gov>

Subject: RE: Dicamba & AEZ rollout

Hi Kaitlin and welcome back, Yvette!

For distributions to the various groups, you've got it right. I would send to the regions, and Yvette or I would send to AAPCO/SFIREG, and Amanda for tribes. In the past, we'd sometimes only sent to TPPC, but we likely should have sent to the broader listserv that includes all tribes and not just TPPC, which Amanda has. I've also included Emily, Rachel, and Loren so that we can all be on the same page.

Regarding the content for the emails – we ask the Communications Branch to inform and provide what the final content is to go out to the various groups. As of now, I'm not certain if it will be the press release, or a different write-up. Will be good to have the meeting at 11.

Thanks much!

Sandra O'Neill
919-323-7926

From: Picone, Kaitlin <Picone.Kaitlin@epa.gov>
Sent: Monday, October 26, 2020 7:30 PM
To: Hopkins, Yvette <Hopkins.Yvette@epa.gov>; O'Neill, Sandra <ONeill.Sandra@epa.gov>; Hauff, Amanda <Hauff.Amanda@epa.gov>; Wire, Cindy <Wire.Cindy@epa.gov>
Subject: Dicamba & AEZ rollout

Hi All,

Things are moving fast with dicamba and AEZ this week. As of today, ICRB has been asked to handle email announcements tomorrow to regions, states (both at 3:30pm when the Administrator's event begins and the web updates go live) and tribes (at 4:14 just prior to the OPP update). I set up a call to chat more tomorrow at 11. I understand that Sandra typically sends announcements to the Regions, Yvette to SFIREG/AAPCO, and Amanda to the distribution list for tribes. Please let me know if that's not correct, or if you can't be available for distribution at that time.

Does everyone draft their own email to each group, sticking pretty closely to the press release? Or has there been one email that is then circulated to the different groups? Just trying to understand the process for generating the email notifications given the short time frame. I'm attaching the current draft press release. **Please treat as close hold** and do not circulate further.

Except for the TPPC call that Amanda is helping to set up, all other notifications are being scheduled by the OCSPP-IO.

We'll have another round of excitement with slightly more time when we repeat this again on Thursday with WPS/AEZ.

Let me know if you have any additional concerns at this point, and we can talk more about the rollout at 11am.

Thanks,
Kaitlin

Kaitlin Keller Picone
Chief, Intergovernmental & Community Relations Branch
Mission Support Division, Office of Program Support
U.S. EPA Office of Chemical Safety & Pollution Prevention
Office: (703) 347-0378
Cell: (202) 878-1451

Message

From: O'Neill, Sandra [ONeill.Sandra@epa.gov]
Sent: 10/27/2020 8:54:31 PM
To: Piper, Maya [Piper.Maya@epa.gov]; Picone, Kaitlin [Picone.Kaitlin@epa.gov]; Dennis, Allison [Dennis.Allison@epa.gov]
CC: Emdur, Zoe [Emdur.Zoe@epa.gov]; Ricciardi, Rachel [Ricciardi.Rachel@epa.gov]; LaPointe, Loren [LaPointe.Loren@epa.gov]; Hopkins, Yvette [Hopkins.Yvette@epa.gov]; Wire, Cindy [Wire.Cindy@epa.gov]; Garcia, Beth [garcia.beth@epa.gov]; Cyran, Carissa [Cyran.Carissa@epa.gov]
Subject: RE: Detailed schedule for dicamba roll-out?

Thanks, Maya,

FYI – we'd already sent a shortened message to the regions and states, it was the following – message was sent a little past 4:30

Today EPA plans to announce the approval of new registrations for two "over the top" (OTT) dicamba products and extension of the registration for an additional OTT dicamba product. All three registrations include stringent control measures to protect the environment, including non-target plants, animals, and other crops not tolerant to dicamba. These registrations are only for use on dicamba-tolerant (DT) cotton and DT soybeans and will expire in 2025.

To manage off-site movement of dicamba, EPA's 2020 registration features important control measures. Some of these new control measures include:

- A downwind buffer of 240 feet will be required and 310 feet in areas where listed species are located.
- Prohibiting OTT application of dicamba on soybeans after June 30 and cotton after July 30.
-

Additional information will be available in the press release later today.

Sandra O'Neill
919-323-7926

From: Piper, Maya <Piper.Maya@epa.gov>
Sent: Tuesday, October 27, 2020 4:47 PM
To: Picone, Kaitlin <Picone.Kaitlin@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; O'Neill, Sandra <ONeill.Sandra@epa.gov>
Cc: Emdur, Zoe <Emdur.Zoe@epa.gov>; Ricciardi, Rachel <Ricciardi.Rachel@epa.gov>; LaPointe, Loren <LaPointe.Loren@epa.gov>; Hopkins, Yvette <Hopkins.Yvette@epa.gov>; Wire, Cindy <Wire.Cindy@epa.gov>; Garcia, Beth <garcia.beth@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>
Subject: RE: Detailed schedule for dicamba roll-out?

For your awareness, OPA sent us the wrong version of the press release earlier. Allison is working to get the correct version from OPA right now. It's not likely to drastically impact your draft email below, but there may be a few small changes. I'll send it over as soon as I get it.

Maya Piper (*she/her/hers*)
Communications Branch
Office of Chemical Safety and Pollution Prevention

From: Picone, Kaitlin <Picone.Kaitlin@epa.gov>

Sent: Tuesday, October 27, 2020 4:21 PM

To: Dennis, Allison <Dennis.Allison@epa.gov>; O'Neill, Sandra <O'Neill.Sandra@epa.gov>; Piper, Maya <Piper.Maya@epa.gov>

Cc: Emdur, Zoe <Emdur.Zoe@epa.gov>; Ricciardi, Rachel <Ricciardi.Rachel@epa.gov>; LaPointe, Loren <LaPointe.Loren@epa.gov>; Hopkins, Yvette <Hopkins.Yvette@epa.gov>; Wire, Cindy <Wire.Cindy@epa.gov>; Garcia, Beth <garcia.beth@epa.gov>

Subject: RE: Detailed schedule for dicamba roll-out?

How's this (shorter version +all of the control measures):

Today EPA plans to announce the approval of new registrations for two "over the top" (OTT) dicamba products—XtendiMax with VaporGrip Technology and Engenia Herbicide— and extension of the registration for an additional OTT dicamba product, Tavium plus VaporGrip Technology. All three registrations include stringent control measures to protect the environment, including non-target plants, animals, and other crops not tolerant to dicamba. These registrations are only for use on dicamba-tolerant (DT) cotton and DT soybeans and will expire in 2025, providing certainty to American agriculture for the upcoming growing season and beyond.

To manage off-site movement of dicamba, EPA's 2020 registration features important control measures, including:

- Requiring an approved pH-buffering agent (also called a Volatility Reduction Agent or VRA) be tank mixed with OTT dicamba products prior to all applications to control volatility.
- A downwind buffer of 240 feet will be required and 310 feet in areas where listed species are located.
- Prohibiting OTT application of dicamba on soybeans after June 30 and cotton after July 30.
- Simplifying the label and use directions so that growers can more easily determine when and how to properly apply dicamba.

Additional information will be available in the press release later today.

From: Dennis, Allison <Dennis.Allison@epa.gov>

Sent: Tuesday, October 27, 2020 4:15 PM

To: O'Neill, Sandra <O'Neill.Sandra@epa.gov>; Piper, Maya <Piper.Maya@epa.gov>

Cc: Picone, Kaitlin <Picone.Kaitlin@epa.gov>; Emdur, Zoe <Emdur.Zoe@epa.gov>; Ricciardi, Rachel <Ricciardi.Rachel@epa.gov>; LaPointe, Loren <LaPointe.Loren@epa.gov>; Hopkins, Yvette <Hopkins.Yvette@epa.gov>; Wire, Cindy <Wire.Cindy@epa.gov>; Garcia, Beth <garcia.beth@epa.gov>

Subject: RE: Detailed schedule for dicamba roll-out?

Since this is only a *head's up*, I won't want to give away all the details of the announcement (we know these head's up emails get immediately leaked to press....) So, how about we say something like (feel free to finesse!) - Allison

EPA plans to announce the 2020 dicamba registration decision later today. As our partner, we want to make sure you were aware of this anticipated announcement of national significance and are aware of some of its key aspects. Through this action, EPA will be approving new five-year registrations for two dicamba products and

extending the registration of an additional dicamba product. All three registrations include new control measures to ensure these products can be used effectively while protecting the environment, including non-target plants, animals, and other crops not tolerant to dicamba. Some of these new control measures include:

- Prohibiting OTT application of dicamba on soybeans after June 30 and cotton after July 30.
- Simplifying the label and use directions so that growers can more easily determine when and how to properly apply dicamba.

We will share the agency's press release with you after it is issued....blah blah blah

From: O'Neill, Sandra <O'Neill.Sandra@epa.gov>

Sent: Tuesday, October 27, 2020 3:56 PM

To: Piper, Maya <Piper.Maya@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>

Cc: Picone, Kaitlin <Picone.Kaitlin@epa.gov>; Emdur, Zoe <Emdur.Zoe@epa.gov>; Ricciardi, Rachel <Ricciardi.Rachel@epa.gov>; LaPointe, Loren <LaPointe.Loren@epa.gov>; Hopkins, Yvette <Hopkins.Yvette@epa.gov>; Wire, Cindy <Wire.Cindy@epa.gov>; Garcia, Beth <garcia.beth@epa.gov>

Subject: RE: Detailed schedule for dicamba roll-out?

Hi Allison,

As part of the comms plan for the 2020 dicamba decision, the Intergovernmental & Community Relations Branch will be sending the following info. from the press release to regions at states at 4:30 PM. Pplease let us know if you have any comments – thanks!

EPA Announces 2020 Dicamba Registration Decision

Brooklet, Ga. (October 27, 2020) – At the Cromley Farm, U.S. Environmental Protection Agency (EPA)

Administrator Andrew Wheeler announced that EPA is approving new five-year registrations for two dicamba products and extending the registration of an additional dicamba product. All three registrations include new control measures to ensure these products can be used effectively while protecting the environment, including non-target plants, animals, and other crops not tolerant to dicamba.

Through today's action, EPA approved new registrations for two "over-the-top" (OTT) dicamba products—XtendiMax with VaporGrip Technology and Engenia Herbicide—and extended the registration for an additional OTT dicamba product, Tavium plus VaporGrip Technology. These registrations are only for use on dicamba-tolerant (DT) cotton and soybeans and will expire in 2025, providing certainty to American agriculture for the upcoming growing season and beyond.

To manage off-site movement of dicamba, EPA's 2020 registration features important control measures, including:

- Requiring an approved pH-buffering agent (also called a Volatility Reduction Agent or VRA) be tank mixed with OTT dicamba products prior to all applications to control volatility.
- A downwind buffer of 240 feet will be required and 310 feet in areas where listed species are located.
- Prohibiting OTT application of dicamba on soybeans after June 30 and cotton after July 30.
- Simplifying the label and use directions so that growers can more easily determine when and how to properly apply dicamba.

The 2020 registration labels also provide new flexibilities for growers and states. For example, there are opportunities for growers to reduce the downwind spray buffer for soybeans through use of certain approved hooded sprayers as an alternative control method. EPA also recognizes and supports the important authority FIFRA section 24 gives the states for issuing locally appropriate regulations for pesticide use. If a state wishes to expand the federal OTT uses of dicamba to better meet special local needs, the agency will work with them to support their goals.

This action was informed by input from state regulators, grower groups, academic researchers, pesticide manufacturers, and others. EPA reviewed substantial amounts of new information and conducted assessments based on the best available science, including making Effect Determination under the Endangered Species Act (ESA). With this information and input, EPA has concluded that these registration actions meet Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) registration standards. EPA believes that these new analyses address the concerns expressed in regard to EPA's 2018 dicamba registrations in the June 2020 U.S. Court of Appeals for the Ninth Circuit. Further, EPA concluded that with the control measures now required on labels, these actions either do not affect or are not likely to adversely affect endangered or threatened species.

To view the final registration of the dicamba products, visit docket EPA-HQ-OPP-2020-0492 at www.regulations.gov.

Background

The United States is the world's leading soybean producer and second-leading soybean exporter and also serves as the world's third-largest cotton producer and the leading cotton exporter. Today, there are limited cost-effective options to control herbicide-resistant weeds affecting these commodities. In 2018, approximately 41 percent of U.S. soybean acreage was planted with dicamba-tolerant (DT) seed and almost 70 percent of U.S. cotton acreage was planted with DT seed in 2019. Relative to alternative herbicide programs, postemergence dicamba may reduce weed control costs for some growers, possibly by as much as \$10 per acre, or over five percent of net operating revenue, not accounting for all measures growers will have to take to control off-field movement of dicamba.

Following reports of damage resulting from the off-site movement of dicamba, EPA amended the dicamba registration labels in 2017 and in 2018. In June 2020, the U.S. Court of Appeals for the Ninth Circuit vacated the registrations for three dicamba products: XtendiMax with VaporGrip Technology, Engenia Herbicide, and DuPont FeXapan Herbicide. As a result of the Court's decision, EPA issued cancellation orders outlining limited circumstances under which existing stocks of the three affected products could be distributed and used until July 31, 2020.

Best,

Sandra O'Neill
Government Liaison & SFIREG Project Officer
Intergovernmental & Community Relations Branch
Mission Support Division || Office of Program Support/OCSP || U.S. EPA || 919-323-7926

From: Piper, Maya <Piper.Maya@epa.gov>
Sent: Tuesday, October 27, 2020 3:52 PM
To: O'Neill, Sandra <ONeill.Sandra@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>
Cc: Picone, Kaitlin <Picone.Kaitlin@epa.gov>; Emdur, Zoe <Emdur.Zoe@epa.gov>; Ricciardi, Rachel <Ricciardi.Rachel@epa.gov>; LaPointe, Loren <LaPointe.Loren@epa.gov>; Hopkins, Yvette <Hopkins.Yvette@epa.gov>; Wire, Cindy <Wire.Cindy@epa.gov>; Garcia, Beth <garcia.beth@epa.gov>
Subject: RE: Detailed schedule for dicamba roll-out?

Thank you! Feel free to have Allison review before sending.

Maya Piper (*she/her/hers*)
Communications Branch
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Office: (202) 731-8966 | Cell: (231) 493-2745

From: O'Neill, Sandra <ONeill.Sandra@epa.gov>
Sent: Tuesday, October 27, 2020 3:48 PM
To: Piper, Maya <Piper.Maya@epa.gov>
Cc: Picone, Kaitlin <Picone.Kaitlin@epa.gov>; Emdur, Zoe <Emdur.Zoe@epa.gov>; Ricciardi, Rachel <Ricciardi.Rachel@epa.gov>; LaPointe, Loren <LaPointe.Loren@epa.gov>; Hopkins, Yvette <Hopkins.Yvette@epa.gov>; Wire, Cindy <Wire.Cindy@epa.gov>; Garcia, Beth <garcia.beth@epa.gov>
Subject: RE: Detailed schedule for dicamba roll-out?

Got it – we'll make sure to take out the following quote:

“With today’s decision, farmers now have the certainty they need to make plans for their 2021 growing season,” **said EPA Administrator Andrew Wheeler.** “After reviewing substantial amounts of new information, conducting scientific assessments based on the best available science, and carefully considering input from stakeholders we have reached a resolution that is good for our farmers and our environment.”

Sandra O'Neill
919-323-7926

From: Piper, Maya <Piper.Maya@epa.gov>
Sent: Tuesday, October 27, 2020 3:45 PM
To: O'Neill, Sandra <ONeill.Sandra@epa.gov>
Subject: RE: Detailed schedule for dicamba roll-out?

Great! Also, Allison asked that we do not include the quote.

Maya Piper (*she/her/hers*)
Communications Branch
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Office: (202) 731-8966 | Cell: (231) 493-2745